



**CITY OF NEW BRAUNFELS, TEXAS
CITY COUNCIL MEETING**



**CITY HALL - COUNCIL CHAMBERS
550 LANDA STREET**

MONDAY, AUGUST 12, 2024 at 6:00 PM

Neal Linnartz, Mayor
Andres Campos, Mayor Pro Tem (District 1)
Christopher Willis, Councilmember (District 2)
D. Lee Edwards, Councilmember (District 3)
Lawrence Spradley, Councilmember (District 4)
Mary Ann Labowski, Councilmember (District 5)
April Ryan, Councilmember (District 6)
Robert Camareno, City Manager

AMENDED 08-09-2024

MISSION STATEMENT

The City of New Braunfels will add value to our community by planning for the future, providing quality services, encouraging community involvement and being responsive to those we serve.

AGENDA

CALL TO ORDER

CALL OF ROLL: CITY SECRETARY

REQUEST ALL PHONES AND OTHER DEVICES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL.

INVOCATION: COUNCILMEMBER WILLIS

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

CITIZENS COMMUNICATIONS

This time is for citizens to address the City Council on issues and items of concerns not on this agenda. There will be no City Council action at this time. In the interest of protecting the City's network and data, the City is not accepting flash drives or electronic files for use during Citizens Communications. Please use hard copies, the overhead projector or access the City's online digital form to upload electronic files you would like the Mayor and Council to view. The digital form would need to be uploaded two (2) hours prior to the City Council meeting. A link to this form can be accessed on the City Secretary's website.

1. CONSENT AGENDA

All items listed below are considered to be routine and non-controversial by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business. Citizens must be present to pull an item.

Resolutions & Action Items

- A) Approval of the July 22, 2024 Executive and Regular City Council meeting minutes, the August 5, 2024 Special City Council meeting minutes, the August 6, 2024 Special City Council meeting minutes, and the August 8, 2024 Special City Council meeting minutes. [24-1023](#)
Matthew Schwarz, Assistant City Secretary
- B) Approval of a second amendment to lease agreement between the City of New Braunfels and NCWPCS MPL 25 - Year Sites Tower Holdings, LLC for a communications tower located at 350 S. Castell Ave. [24-1015](#)
Matthew Eckmann, Assistant Director of Public Works
- C) Approval of annual routine recurring expenditures for FY 2024 in accordance with City Charter Section 9.17. [24-994](#)
Barbara Coleman, Purchasing Manager
- D) Approval of a contract with The Library Corporation (TLC) for an integrated library software (ILS) system for a computerized System (hereinafter referred to as "Library•Solution"). [24-1010](#)
Gretchen Pruetz, Library Director
- E) Approval of annual contracts with E-Z Bel construction, LLC and The Levy Company, Inc. for installation and maintenance of traffic signals. [24-995](#)
John Cox, Streets & Drainage Manager
- F) Approval of an expenditure with Schaefer Plastics North America, LLC of up to \$150,000 for the purchase of residential refuse and recycling containers and lids. [24-1001](#)
Elizabeth Ghiorso, Solid Waste Manager
- G) Approval of a ratification for the submission of a grant application to the U.S. Department of Energy for their Energy Efficiency and Conservation Block Grant Program; authorization for the City Manager to accept funds and execute all contract documents associated [24-996](#)

with the grant; and approval of a contract with Yates Company, LLC for the replacement of boilers located at the City's Main Public Library and Civic/Convention Center.

Jennifer Gates, Grants Coordinator

- H) Approval of an expenditure and corresponding budget amendment in the amount of \$163,869 to Collision Country Repair Center for the repair of a solid waste collection vehicle. [24-1037](#)

Matthew Eckmann, Assistant Director of Public Works

- I) Approval of a recommendation by the Tax Increment Reinvestment Zone #3 Board to amend the TIRZ 3 Project and Financing Plan [24-1013](#)

Jeff Jewell, Economic and Community Development Director

Ordinances

(In accordance with Section 3.10 of the City Charter, a descriptive caption of each ordinance shall be read on two separate days.)

- J) Approval of the first reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 54, Sections 54-41 to 54-55, by repealing an ordinance that established a volunteer fire department. [24-887](#)

Valeria Acevedo, City Attorney

- K) Approval of the second and final reading of an ordinance to rezone approximately 0.21 of an acre out of the Highland Park Addition Subdivision Block 14, Lot 9, from C-3 (Commercial District) to C-3 SUP (Commercial District with a Special Use Permit for Short-Term Rental), currently addressed at 1622 Cross Street [24-982](#)

Christopher J. Looney, AICP, Planning and Development Services Director

- L) Approval of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 1, Section 1-12, to update the official map reflecting the city's current boundaries and designating that a copy be kept by the Offices of the City Secretary and City Engineer, and other city offices authorized by the City Manager. [24-984](#)

Valeria Acevedo, City Attorney

- M) Approval of the second and final reading of an ordinance [24-983](#)

amending the New Braunfels Code of Ordinances, Chapter 2, Section 2-127, repealing an ordinance establishing a \$50.00 reward for tips leading to the arrest and conviction of persons who damage city property.

Valeria Acevedo, City Attorney

- N) Approval of the second and final reading of an ordinance, of the City Council of the City of New Braunfels, Texas, accepting and approving an Annual Service Plan Update to the Service and Assessment Plan and updated Assessment Roll for the Solms Landing Public Improvement District; making and adopting findings; providing a cumulative repealer clause; and providing an effective date. [24-1006](#)

Sandy Paulos, Director of Finance

2. PRESENTATIONS

- A) Presentation and update on the feasibility analysis for NBEDC-owned property at Common Street and Gruene Road [24-1018](#)

Jeff Jewell, Economic and Community Development Director

3. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider the approval of the second reading of an ordinance amending Chapter 110 of the Code of Ordinances relating to Solid Waste commercial rates and proposed operational changes. [24-1000](#)

Matthew Eckmann, Assistant Director of Public Works

- B) Discuss and consider the approval of an amended resolution that supported the submission of an application to the Motor Vehicle Crime Prevention Authority, Fiscal Year 2024 SB 224 Catalytic Converter Grant Program on behalf of the New Braunfels Police Department for personnel and equipment costs. [24-1024](#)

Keith Lane, Chief of Police

Jennifer Gates, Grants Coordinator

4. EXECUTIVE SESSION

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551, the City Council may convene in a closed session to discuss any of the items listed on this agenda. Any final action or vote on any executive session item will be taken in open session.

- A) Deliberate and consider the purchase, exchange, lease, [24-1040](#)
contract terms, due diligence, or value of real property, in
accordance with Section 551.072 of the Texas
Government Code:
1. A-1 SUR-1 AM Esnaurizar, up to 100 acres
- B) Deliberate pending/contemplated litigation, settlement [24-775](#)
offer(s), and matters concerning privileged and
unprivileged client information deemed confidential by
Rule 1.05 of the Texas Disciplinary Rules of Professional
Conduct in accordance with Section 551.071, of the
Texas Government Code, specifically:
- a. Discuss Legal Options Relating to Status of New
Braunfels Utilities Real Estate Negotiations to Secure
Easements Regarding the McKenzie Interceptor Upgrade
Project:
- Properties owned by NB Avery Park Homeowners
Association, Inc:
 - i. a, 0.296 Acre Permanent Utility Easement, a 0.044
Acre Temporary Construction Easement, and a 0.213
Acre Temporary Construction Easement, (Guadalupe
County Parcel No. 125092)
 - ii. a 0.632 Acre Permanent Utility Easement, a 0.312
Acre Temporary Construction Easement, and a 0.022
Acre Temporary Construction Easement (Guadalupe
County Parcel Nos. 171818 and 171819)
 - Property owned by Pulte Homes of Texas, L.P and
M/I Homes of San Antonio, LLC:
 - i. a 0.563 Acre Temporary Construction Easement
(Guadalupe County Parcel No. 55904)
 - Property owned by Saengerhalle Meadows
Homeowners Association, Inc.:
 - i. a 1.827 Acre Permanent Utility Easement, and a
1.025 Acre Temporary Construction Easement,
(Guadalupe County Parcel No. 56337)
 - Properties owned by Rockspring Saur, LLC:
 - i. a 2.088 Acre Permanent Utility Easement, and a
1.395 Acre Temporary Construction Easement,
(Guadalupe County Parcel Nos. 191564 and 108128)

- Properties owned by GCP III St. Croix Landco, LLC:
 - i. a 1.937 Acre Permanent Utility Easement, and a 1.127 Acre Temporary Construction Easement, (Comal County Parcel Nos. 421640; 422735; and 441204);
- Property owned by MP New Braunfels, LLC:
 - i. a 1.846 Acre Permanent Utility Easement, and a 0.847 Acre Temporary Construction Easement, (Comal County Parcel No. 71650)
- b. A-1 SUR-1 AM Esnaurizar, up to 100 acres
- C) Deliberate issues regarding economic development [24-935](#) negotiations in accordance with Section 551.087 of the Texas Local Government Code:
 - 1. Project Gather
Jeff Jewell, Economic and Community Development Director

5. **RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.**

ADJOURNMENT

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall.

Gayle Wilkinson, City Secretary

NOTE: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at (830) 221-4010 at least two (2) work days prior to the meeting so that appropriate arrangements can be made.

8/12/2024

Agenda Item No. A)

PRESENTER:

Matthew Schwarz, Assistant City Secretary

SUBJECT:

Approval of the July 22, 2024 Executive and Regular City Council meeting minutes, the August 5, 2024 Special City Council meeting minutes, the August 6, 2024 Special City Council meeting minutes, and the August 8, 2024 Special City Council meeting minutes.

**DRAFT - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL - EXECUTIVE SESSION
REGULAR MEETING OF MONDAY, JULY 22, 2024**

AGENDA

CALL TO ORDER

Mayor Pro Tem Campos called the meeting to order at 5:01 p.m.

CALL OF ROLL: CITY SECRETARY

Present 6 - Mayor Pro Tem Andres Campos, Councilmember Christopher Willis, Councilmember D. Lee Edwards, Councilmember Lawrence Spradley, Councilmember Mary Ann Labowski, and Councilmember April Ryan

Absent 1 - Mayor Neal Linnartz

1. EXECUTIVE SESSIONS

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551, the City Council may convene in a closed session to discuss any of the items listed below. Any final action or vote on any executive session item will be taken in open session.

A) Deliberate pending or contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:

· NBISD

Mayor Pro Tem Campos read the aforementioned item.

Mayor Pro Tem Campos recessed into executive session at 5:02 p.m.

2. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

Mayor Pro Tem Campos reconvened into open session at 5:11 p.m.

No action was taken at this time.

ADJOURNMENT

Mayor Pro Tem Campos adjourned at 5:12 p.m.

By: _____
ANDRÉS CAMPOS, MAYOR PRO TEM

Attest:

GAYLE WILKINSON, CITY SECRETARY

**DRAFT - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JULY 22, 2024**

AGENDA

CALL TO ORDER

Mayor Pro Tem Campos called the meeting to order at 6:00 p.m.

CALL OF ROLL: CITY SECRETARY

Present: 6 - Mayor Pro Tem Andres Campos, Councilmember Christopher Willis, Councilmember D. Lee Edwards, Councilmember Lawrence Spradley, Councilmember Mary Ann Labowski, and Councilmember April Ryan

Absent: 1 - Mayor Neal Linnartz

REQUEST ALL PHONES AND OTHER DEVICES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL.

INVOCATION: COUNCILMEMBER EDWARDS

Councilmember Edwards provided the invocation.

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

Mayor Pro Tem Campos led the Pledge of Allegiance and the Salute to the Texas Flag.

CITIZENS COMMUNICATIONS

This time is for citizens to address the City Council on issues and items of concerns not on this agenda. There will be no City Council action at this time. In the interest of protecting the City's network and data, the City is not accepting flash drives or electronic files for use during Citizens Communications. Please use hard copies, the overhead projector or access the City's online digital form to upload electronic files you would like the Mayor and Council to view. The digital form would need to be uploaded two (2) hours prior to the City Council meeting. A link to this form can be accessed on the City Secretary's website.

The following individuals spoke at this time: David Warmke, Michael Murphy, Jim Holster

1. CONSENT AGENDA

All items listed below are considered to be routine and non-controversial by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business. Citizens must be present to pull an item.

Resolutions & Action Items

- A) Approval of the July 8, 2024 executive and regular City Council meeting minutes, the July 11, 2024 special City Council meeting minutes, and the July 15, 2024 special City Council meeting minutes.
- B) Approval of an annual contract with Flasher Equipment Co for pavement marking services on an as-needed basis for the City.
- C) Approval of an Amendment to an Interlocal Agreement with Comal County related to the City's responsibilities to enforce the City's adopted fire code regulations, conduct inspections, and issue permits for commercial properties located within the Mayfair and Veramendi water districts.
- D) Approval of the submission of the Community Development Block Grant Annual Action Plan, and its associated funding recommendations, for Program Year 2024 to the U.S. Department of Housing and Urban Development.
- E) Approval of a resolution authorizing the waiver of certain provisions in the First Amended and Restated Development Agreement with Southstar At Mayfair, LP for the Mayfair Development dated May 6, 2024.

This item was pulled for individual consideration by David Warmke.

- F) Approval of a resolution of the governing body of the City of New Braunfels approving the terms and conditions of an interlocal agreement between the employer and education service center region 10 which sponsors the retirement asset management services program ("RAMS") authorizing the establishment or takeover as plan fiduciary for the City's 457B retirement plan and 401(a) defined contribution plan.

Ordinances

(In accordance with Section 3.10 of the City Charter, a descriptive caption of each ordinance shall be read on two separate days.)

- G) Approval of the first reading of an ordinance, of the City Council of the City of New Braunfels, Texas, accepting and approving an Annual Service Plan Update to the Service and Assessment Plan and updated Assessment Roll for the Solms Landing Public Improvement District; making and adopting findings; providing a cumulative repealer clause; and providing an effective date.
- H) Approval of the first reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 2, Section 2-127, repealing an ordinance establishing a \$50.00 reward for tips leading to the arrest and conviction of persons who damage city property.
- I) Approval of the first reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 1, Section 1-12, to update the official map reflecting the city's current boundaries and designating that a copy be kept by the Offices of the City Secretary and City Engineer, and other city offices authorized by the City Manager.
- J) Approval of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 1, Section 1-8, to update the maximum fine for illegal dumping and to specify the culpable mental state for ordinance violations that carry a fine above \$500.00.
- K) Approval of the second and final reading of an ordinance to rezone 0.12 acres out of City Block 2016, North 56 feet of Lot 38, from C-2 (General Business District) to C-2 SUP (General Business District with a Special Use Permit for Short-Term Rental of a Residence), currently addressed at 444 North Market Avenue.
- L) Approval of the second and final reading of an ordinance to amend Section 126-346 and Section 86-7 of the Code of Ordinances of the City of New Braunfels to revise no parking zones in Cypress Bend Park.

Approval of the Consent Agenda

Mayor Pro Tem Campos read the aforementioned consent agenda ordinances and indicated item E was pulled for individual consideration.

Councilmember Spradley motioned to approve the consent agenda excluding item E. Councilmember Willis seconded the motion which passed unanimously.

2. INDIVIDUAL ITEMS FOR CONSIDERATION

1-E) Approval of a resolution authorizing the waiver of certain provisions in the First Amended and Restated Development Agreement with Southstar At Mayfair, LP for the Mayfair Development dated May 6, 2024.

David Warmke pulled this item for individual consideration.

Mayor Pro Tem Campos read the aforementioned item.

David Warmke asked questions regarding the item.

Valeria Acevedo provided clarity on this item.

Councilmember Labowski motioned to approve this item. Councilmember Willis seconded the motion which passed unanimously.

A) Discuss and consider the appointment of three Councilmembers to an Ad Hoc Committee concerning the Boards and Commissions.

Mayor Pro Tem Campos read the aforementioned item.

Gayle Wilkinson presented the item.

The following individuals spoke at this time: Michael Murphy, Jim Holster, Martin Isles.

Councilmember Spradley motioned to nominate Councilmembers Ryan, Labowski, and Willis to the Ad Hoc Committee. Councilmember Labowski seconded the motion which passed unanimously.

B) Public hearing and first reading of an ordinance to rezone approximately 0.21 of an acre out of the Highland Park Addition Subdivision Block 14, Lot 9, from C-3 (Commercial District) to C-3 SUP (Commercial District with a Special Use Permit for Short-Term Rental), currently addressed at 1622 Cross Street

Mayor Pro Tem Campos read the aforementioned item.

Christopher Looney presented this item using a powerpoint.

Applicant Aaron Roggensack presented this item using a powerpoint and answered questions.

Councilmember Spradley motioned to approve the item. Councilmember Ryan seconded the motion which passed unanimously.

Absent:

Mayor Linnartz

3. EXECUTIVE SESSION

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551, the City Council may convene in a closed session to discuss any of the items listed on this agenda. Any final action or vote on any executive session item will be taken in open session.

A) Deliberate pending or contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:

· NBISD

The aforementioned executive session items took place during executive session.

4. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

No action was taken at this time.

ADJOURNMENT

Mayor Pro Tem Campos adjourned at 6:38 p.m.

By: _____
ANDRÉS CAMPOS, MAYOR PRO TEM

Attest:

GAYLE WILKINSON, CITY SECRETARY

**DRAFT - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL - SPECIAL
REGULAR MEETING OF MONDAY, AUGUST 5, 2024**

PROPOSED BUDGET PRESENTATION

AGENDA

CALL TO ORDER

Mayor Linnartz called the meeting to order at 4:30 p.m.

CALL OF ROLL: CITY SECRETARY

Councilmember Willis arrived at 4:49 p.m.

Present 6 - Mayor Neal Linnartz, Mayor Pro Tem Andres Campos, Councilmember Christopher Willis, Councilmember Lawrence Spradley, Councilmember Mary Ann Labowski, and Councilmember April Ryan

Absent 1 - Councilmember D. Lee Edwards

INVOCATION: COUNCILMEMBER SPRADLEY

Councilmember Spradley provided the invocation.

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

Mayor Linnartz led the Pledge of Allegiance and the Salute to the Texas Flag.

1. WORKSHOP

A) Presentation and discussion regarding the Fiscal Year 2025 Proposed Budget and Plan of Municipal Services and the 2024 No New Revenue and Voter Approval tax rates.

Mayor Linnartz read the aforementioned item.

Robert Camareno presented the item to council using a powerpoint and answered questions.

No action was taken at this time.

B) Discuss and consider approval of the Proposed 2024 Tax Rate.

Mayor Linnartz read the aforementioned item.

Jared Werner presented the item to council using a powerpoint and answered questions.

Mayor Pro Tem Campos motioned that the property tax rate be set at a rate of .408936 per \$100 of valuation, which is effectively a 6.4 percent increase in the tax rate. Councilmember Ryan seconded the motion which passed unanimously.

Absent:

Councilmember Edwards

C) Discuss and consider scheduling the public hearings on the 2024 tax rate and the FY 2025 Proposed Budget and Plan of Municipal Services.

Mayor Linnartz read the aforementioned item.

Jared Werner presented the aforementioned item.

Councilmember Ryan made a motion to set the public hearing for the tax rate and Proposed Budget be held at a meeting beginning at 6:00 pm Thursday, September 5, 2024, at 550 Landa Street, in the City Council Chambers. Councilmember Spradley seconded the motion which passed unanimously.

Mayor Linnartz announced that the FY 2025 Proposed Budget along with the 2024 Tax rate will be adopted on September 9th, 2024, at a meeting beginning at 6:00 p.m. at 550 Landa Street, in the City Council Chambers.

Absent:

Councilmember Edwards

2. EXECUTIVE SESSION

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551, the City Council may convene in a closed session to discuss any of the items listed on this agenda. Any final action or vote on any executive session item will be taken in open session.

A) Deliberate and consider the purchase, exchange, lease, contract terms, due diligence, or value of real property, in accordance with Section 551.072 of the Texas Government Code:

1. A-1 SUR-1 AM Esnaurizar, up to 100 acres

B) Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information

deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:

1. A-1 SUR-1 AM Esnaurizar, up to 100 acres

Mayor Linnartz read the aforementioned items.

Mayor Linnartz recessed into executive session at 5:26 p.m.

3. **RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.**

Mayor Linnartz reconvened into open session at 6:11 p.m.

No action was taken at this time.

4. **ADJOURNMENT**

Mayor Linnartz adjourned at 6:11 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY

**DRAFT - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL - SPECIAL
REGULAR MEETING OF TUESDAY, AUGUST 6, 2024**

AGENDA

CALL TO ORDER

Mayor Linnartz called the meeting to order at 4:30 p.m.

CALL OF ROLL: CITY SECRETARY

Mayor Pro Tem Campos arrived at 4:48 p.m.

Present 6 - Mayor Neal Linnartz, Mayor Pro Tem Andres Campos, Councilmember Christopher Willis, Councilmember Lawrence Spradley, Councilmember Mary Ann Labowski, and Councilmember April Ryan

Absent 1 - Councilmember D. Lee Edwards

INVOCATION: COUNCILMEMBER LABOWSKI

Councilmember Labowski provided the invocation.

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

Mayor Linnartz led the Pledge of Allegiance and the Salute to the Texas Flag.

1. WORKSHOP

A) Presentation and discussion regarding the Fiscal Year 2025 Proposed Budget and Plan of Municipal Services and the 2024 No New Revenue and Voter Approval tax rates.

Mayor Linnartz read the aforementioned item.

Robert Camareno, Jordan Matney, and Jared Werner presented the item to council using a powerpoint and answered questions.

No action was taken at this time.

Mayor Linnartz announced the public hearing for the tax rate and Proposed Budget will be held at a meeting beginning at 6:00 p.m. Thursday, September 5th, 2024, at 550 Landa Street, in the City Council Chambers.

Mayor Linnartz announced the FY 2025 Proposed Budget along with

the 2024 Tax rate will be adopted on September 9th, 2024, at a meeting beginning at 6:00 p.m. at 550 Landa Street, in the City Council Chambers.

2. EXECUTIVE SESSION

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551, the City Council may convene in a closed session to discuss any of the items listed on this agenda. Any final action or vote on any executive session item will be taken in open session.

3. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

There were no executive session items.

No action was taken at this time.

4. ADJOURNMENT

Mayor Linnartz adjourned at 5:48 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY

**DRAFT - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL - SPECIAL
REGULAR MEETING OF THURSDAY, AUGUST 8, 2024**

AGENDA

CALL TO ORDER

Mayor Linnartz called the meeting to order at 4:30 p.m.

CALL OF ROLL: CITY SECRETARY

Present 7 - Mayor Neal Linnartz, Mayor Pro Tem Andres Campos, Councilmember Christopher Willis, Councilmember D. Lee Edwards, Councilmember Lawrence Spradley, Councilmember Mary Ann Labowski, and Councilmember April Ryan

INVOCATION: MAYOR LINNARTZ

Mayor Linnartz provided the invocation.

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

Mayor Linnartz led the Pledge of Allegiance and the Salute to the Texas Flag.

1. WORKSHOP

A) Presentation and discussion regarding the Fiscal Year 2025 Proposed Budget and Plan of Municipal Services and the 2024 No New Revenue and Voter Approval tax rates.

Mayor Linnartz read the aforementioned item.

Robert Camareno, Jordan Matney, and Jared Werner presented the item to council using a powerpoint and answered questions.

No action was taken at this time.

The following individuals spoke at this time: David Warmke

Mayor Linnartz announced the public hearing for the tax rate and proposed budget will be held at a meeting beginning at 6:00 p.m. Thursday, September 5, 2024, at 550 Landa Street, in the City Council Chambers.

Mayor Linnartz announced the FY 2025 Proposed Budget along with

the 2024 Tax rate will be adopted on September 9th, 2024, at a meeting beginning at 6:00 p.m. at 550 Landa Street, in the City Council Chambers.

2. EXECUTIVE SESSION

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551, the City Council may convene in a closed session to discuss any of the items listed on this agenda. Any final action or vote on any executive session item will be taken in open session.

3. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

There were no executive session items.

No action was taken at this time.

4. ADJOURNMENT

Mayor Linnartz adjourned at 4:52 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY

8/12/2024

Agenda Item No. B)

PRESENTER:

Matthew Eckmann, Assistant Director of Public Works

SUBJECT:

Approval of a second amendment to lease agreement between the City of New Braunfels and NCWPCS MPL 25 - Year Sites Tower Holdings, LLC for a communications tower located at 350 S. Castell Ave.

DEPARTMENT: Public Works

COUNCIL DISTRICTS IMPACTED: 5

BACKGROUND INFORMATION:

The City of New Braunfels has been leasing property for a communications tower located at 350 S. Castell Ave. since 1994. The current lease has been extended several times with the final extension expiring on December 31, 2024. Staff has notified the Lessee that we will not be renewing the lease on this site due to future projects on this property which would be in conflict with a communications tower. The Lessee has requested a final one-year renewal of this agreement in order to relocate to a new site and decommission this site in order to provide the least amount of service disruption as possible.

ISSUE:

Staff is in agreement with allowing the one year renewal at a rental rate of \$19,077.12 for a term beginning January 1, 2025 and expiring December 31, 2025. As part of this agreement, if the Lessee is has not vacated prior to the expiration of the term, they will be required to pay the City holdover rent in the amount of \$4,000 per month.

STRATEGIC PLAN REFERENCE:

Economic Mobility Enhanced Connectivity Community Identity
Organizational Excellence Community Well-Being N/A
[Enter Objectives/Performance Measures Supported]

FISCAL IMPACT:

Revenue will be generated by this lease extension which will go directly to the general fund.

RECOMMENDATION:

Staff recommends approval of this lease extension.

SECOND AMENDMENT TO LEASE AGREEMENT

THIS SECOND AMENDMENT TO LEASE AGREEMENT (this “Second Amendment”) is dated and made effective as of the date of the last party to sign (“Effective Date”), by and between CITY OF NEW BRAUNFELS (“Lessor”), with a mailing address of c/o Real Estate Manager, 550 Landa Street, New Braunfels, Texas 78130, and NCWPCS MPL 25 - YEAR SITES TOWER HOLDINGS LLC, a Delaware limited liability company, by and through CCATT LLC, a Delaware limited liability company, its attorney in fact (“Lessee”), with a mailing address of 2000 Corporate Drive, Canonsburg, Pennsylvania 15317.

RECITALS

WHEREAS, Lessor and San Antonio SMSA Limited Partnership, a Delaware limited partnership (“Original Lessee”) entered into a Lease Agreement dated August 2, 1994 (the “Original Agreement”), whereby Original Lessee leased certain real property, together with access and utility easements, located in Comal County, Texas from Lessor (the “Premises” or “Leased Premises”), all located within certain real property owned by Lessor (the “Property”); and

WHEREAS, the Original Agreement was amended by that certain First Amendment to Lease Agreement dated March 20, 2009 (the “First Amendment”) (hereinafter the Original Agreement and all subsequent amendments are collectively referred to as the “Agreement”); and

WHEREAS, NCWPCS MPL 25 - Year Sites Tower Holdings LLC is currently the lessee under the Agreement as ultimate successor in interest to Original Lessee; and

WHEREAS, the Premises may be used for the purpose of constructing, maintaining and operating a communications facility, including tower structures, equipment shelters, cabinets, meter boards, utilities, antennas, equipment, any related improvements and structures and uses incidental thereto; and

WHEREAS, the Agreement had an initial term that commenced on August 2, 1994 and expired on December 31, 1999. The Agreement provided for five (5) additional terms of five (5) years each (each an “Extended Term”), all of which were exercised by Lessee. According to the Agreement, the final Extended Term expires on December 31, 2024; and

WHEREAS, Lessor and Lessee desire to amend the Agreement on the terms and conditions contained herein.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, Lessor and Lessee agree as follows:

1. Recitals; Defined Terms. The parties acknowledge the accuracy of the foregoing recitals. Any capitalized terms not defined herein shall have the meanings ascribed to them in the Agreement.

2. Term. Upon expiration of the final Extended Term on December 31, 2024, the term of the Agreement shall automatically extend by one (1) year (the “Additional Extended Term”), commencing on January 1, 2025 and expiring on December 31, 2025. The parties acknowledge and agree that on January 1, 2025, the annual rent payable under the Agreement will be Nineteen Thousand Seven-Seven and 12/100 Dollars (\$19,077.12) in accordance with Section 3 of the First Amendment.

3. Decommission. Lessee shall remove its equipment and restore the Leased Premises in accordance with the Agreement (the “Decommission”) on or before expiration of the Additional Extended Term.

4. Holdover Rent. In the event the Decommission is not complete on or before expiration of the Additional Extended Term, on January 1, 2026, the monthly rent shall increase to Four Thousand and 00/100 Dollars (\$4,000.00) per month until the Decommission is complete.

5. Notices. The parties’ notice addresses as stated in the Agreement are amended as follows:

If to Lessor: City of New Braunfels
Real Estate Manager
550 Landa Street,
New Braunfels, Texas 78130

If to Lessee: NCWPCS MPL 25 - Year Sites Tower Holdings LLC
Legal Department
Attn: Network Legal
208 S. Akard Street
Dallas, TX 75202-4206

With a copy to:
CCATT LLC
Attn: Legal - Real Estate Department
2000 Corporate Drive
Canonsburg, PA 15317

6. IRS Form W-9. Lessor agrees to provide Lessee with a completed IRS Form W-9, or its equivalent, upon execution of this Second Amendment and at such other times as may be reasonably requested by Lessee. In the event the Premises is transferred, the succeeding lessor shall have a duty at the time of such transfer to provide Lessee with a completed IRS Form W-9, or its equivalent, and other related paper work to effect a transfer in the rent to the new lessor.

7. Ratification.

a) Lessor and Lessee agree that Lessee is the current lessee under the Agreement, the Agreement is in full force and effect, and the Agreement, as amended herein, contains the entire agreement between Lessor and Lessee with respect to the Premises.

b) Lessor agrees that any and all actions or inactions that have occurred or should have occurred prior to the date of this Second Amendment are approved and ratified and that no breaches or defaults exist as of the date of this Second Amendment.

c) Lessor represents and warrants that Lessor is duly authorized and has the full power, right and authority to enter into this Second Amendment and to perform all of its obligations under the Agreement as amended.

d) Lessor agrees to provide such further assurances as may be requested to carry out and evidence the full intent of the parties under the Agreement as amended hereby, and ensure Lessee’s continuous and

uninterrupted use, possession and quiet enjoyment of the Leased Premises under the Agreement as amended hereby.

8. Remainder of Agreement Unaffected. The parties hereto acknowledge that except as expressly modified hereby, the Agreement remains unmodified and in full force and effect. In the event of any conflict or inconsistency between the terms of this Second Amendment and the Agreement, the terms of this Second Amendment shall control. The terms, covenants and provisions of this Second Amendment shall extend to and be binding upon the respective executors, administrators, heirs, successors and assigns of Lessor and Lessee. This Second Amendment may be executed simultaneously or in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

9. Electronic Signatures. Each party agrees that the electronic signatures of the parties included in this Second Amendment are intended to authenticate this writing and to have the same force and effect as manual signatures. As used herein, “electronic signature” means any electronic sound, symbol, or process attached to or logically associated with this Second Amendment and executed and adopted by a party with the intent to sign this Second Amendment, including facsimile or email electronic signatures.

[Execution Pages Follow]

This Second Amendment is executed by Lessor as of the date written below.

LESSOR:
CITY OF NEW BRAUNFELS

By: _____
Name: _____
Title: _____
Date: _____

[Lessee Execution Page Follows]

This Second Amendment is executed by Lessee as of the date written below.

LESSEE:
NCWPCS MPL 25 - YEAR SITES TOWER
HOLDINGS LLC,
a Delaware limited liability company

By: CCATT LLC,
a Delaware limited liability company
Its: Attorney In Fact

By: _____
Name: _____
Title: _____
Date: _____

8/12/2024

Agenda Item No. C)

PRESENTER:

Barbara Coleman, Purchasing Manager

SUBJECT:

Approval of annual routine recurring expenditures for FY 2024 in accordance with City Charter Section 9.17.

DEPARTMENT: Finance

COUNCIL DISTRICTS IMPACTED: NA

BACKGROUND INFORMATION:

Per section 9.17 of the City Charter, City Council approval is required for annual purchases that exceed \$50,000. There are various routine expenditures that occur every year and staff recommend that these expenditures be approved all at once, to more efficiently manage staff resources as well as ensure compliance with the charter. This will eliminate the need for these expenditure requests to be brought to City Council individually throughout the year.

This action will allow purchases to be made as needed throughout the year. As indicated below, the purchases are competitively vetted by cooperative agreements, quote or justified as a single source. Funding has been allocated for all of the expenditures detailed below.

As additional vendors that are anticipated to exceed the \$50,000 threshold are identified, they would still be brought for City Council at that time. Moreover, any purchases that warrant individual consideration and approval will be brought to City Council in that manner.

The following purchases and estimated annual expenditures are recommended for City Council consideration:

Vendor Source	Service	Estimated	Contract Source
Roadway Stripping, Interstate Barricades & Markings, Flasher	On-Call Pavement Marking Services to support the Streets department for the remainder of this fiscal year 2024. The requested spend amount will be distributed among the three vendors as the department needs. Funding is incorporated into the Public Works - Streets Division operating budget.	\$125,000	City

ISSUE:

Maintain fiscal stability of city operations.

FISCAL IMPACT:

Funding for all initiatives and expenditures above were incorporated into the appropriate FY 2024 departmental budgets. However, the amounts above are estimates; actual costs are dependent upon needs. If the actual costs above exceed what was allocated in the budget for those services, departments are required to make that difference up elsewhere within their operating budget.

RECOMMENDATION:

Staff recommends approval of annual recurring expenditures for FY 2024 in accordance with City Charter section 9.17.

10/14/2024

Agenda Item No. D)

PRESENTER:

Gretchen Pruett, Library Director

SUBJECT:

Approval of a contract with The Library Corporation (TLC) for an integrated library software (ILS) system for a computerized System (hereinafter referred to as "Library•Solution").

DEPARTMENT: Library**COUNCIL DISTRICTS IMPACTED:** All**BACKGROUND INFORMATION:**

The New Braunfels Public Library requires a computerized integrated library software (ILS) system consisting of Hardware and Software for Authority Control, Cataloging/Database Management, Public Access Catalog, Circulation, Acquisitions, Serials Control, OPAC, library app and Z39.50 server, and provides "Hosting Services" to libraries.

In 2009, the Library migrated from Sirsi/Dynix Unicorn to Biblionix Apollo for the library ILS. Apollo has been in use for the last 15 years. As the library system has grown in size and complexity with the addition of the RIOmobile and RIOrover and the Westside branch, the current ILS has not managed the material transfer process without errors. The current ILS also does not have a library app available anymore, which library users found very customer friendly and useful. Apollo also does not have an Acquisitions module which will facilitate direct transfers of orders to our library branches upon ordering.

A cross departmental team of library staff consisting of Technical Services, Customer Service and Administration representatives developed a comprehensive list of ILS requirements and met with representatives of three ILS vendors to review their ILS offerings and their suitability for our requirements over the spring. This same team traveled to representative libraries to meet with staff and discuss performance and usability.

After extensive evaluation, the Library Corporation's ILS product - "Library•Solution" - was determined to be the best fit for the New Braunfels Public Library. Since TLC is a member of several governmental purchasing cooperative contracts, contract and pricing was negotiated through Buy Board directly with TLC.

The base term of the contract will begin upon receipt of Council approval for a term of five years.

The cost associated with this agreement is \$48,775.85 for the first year, and \$34,955 as a recurring annual cost for a total five year contract price of \$188,595.85

ISSUE:

Library software will increase staff productivity and provide library customers with additional features and

services.

STRATEGIC PLAN REFERENCE:

Economic Mobility Enhanced Connectivity Community Identity
 Organizational Excellence Community Well-Being N/A

FISCAL IMPACT:

The cost for the above referenced software service is included in the Library Budget, therefore sufficient funds are available.

RECOMMENDATION:

Staff recommends the approval of the contract with The Library Corporation for the Integrated Library Software services.



Library•Solution Integrated Library System Hosted Contract for New Braunfels Public Library

THIS AGREEMENT (hereinafter referred to as "Agreement") is made between The Library Corporation, Inc., a corporation organized under the laws of the State of Maryland, with its principal place of business at Research Park, Inwood, West Virginia, party of the first part (hereinafter referred to as "The Library Corporation" or "TLC"), and New Braunfels Public Library, party of the second part (hereinafter referred to as "Library" or "Licensee"). All information contained within this agreement between TLC and New Braunfels Public Library, is considered proprietary and confidential.

WITNESSETH:

WHEREAS, The Library Corporation has developed a computerized System (hereinafter referred to as "Library•Solution") consisting of Hardware and Software for Authority Control, Cataloging/Database Management, Public Access Catalog, Circulation, Acquisitions, Serials Control, OPAC, and Z39.50 server, and provides "Hosting Services" to libraries, and the Library is desirous of having TLC provide Library•Solution as a "Hosted Solution;"

NOW, THEREFORE the parties mutually agree as follows:

Definitions:

1. "**Hardware**" is defined as all Hardware and products including, but not limited to, the (a) computer, disk drives, tape drive(s), and interface, (b) monitor(s) and terminals, (c) barcode scanner(s), (d) printers, (e) wiring and communication devices and (f) supplies for such Hardware.
 - 1.1. "**Licensed Software**" and "**Modules**" are defined as Library•Solution computer programs, including, but not limited to, (a) the integrated Library Systems in the Dataserver, (b) the PC-based Modules provided by The Library Corporation that are resident in the PC workstation(s), and (c) the operational programs stored in the Dataserver. The Licensed Software is listed in Schedule E and includes all corrections, modifications and enhancements thereof, as well as all applicable Oracle licenses and Licensed Software.
 - 1.2. "**Hosted System**" and "**Hosted Solution**" are defined as the provision of the System by TLC to the Library via Hosting Services.
 - 1.3. "**Hosting Services**" are the services described in Schedule I by which TLC will install, implement, operate, and maintain the System at a Host Location remote from the Library's premises and deliver access to and use of the System by the Library over data communications lines, including the Internet.
 - 1.4. "**Host Location**" is the location where the Hosted Solution is located, from which Hosting Services are delivered by TLC to the Library.

TLC Denver

1355 S. Colorado Blvd., Suite C800 • Denver, CO 80222
Phone: 877.694.1452 or 303.758.3030
FAX: 303.758.0606

TLC Headquarters • The Library Corporation

Research Park • Inwood, WV 25428-9733
Phone: 800.325.7759 or 304.229.0100
FAX: 304.229.0295
www.TLCdelivers.com

TLC International

112 Robinson Road #10-01 • Singapore 068902
Phone: 65.6236.1450 • FAX: 65.6220.9821

- 1.5. "Initial Customer Database" is defined as the Library's existing electronic bibliographic, patron, and transaction data.
 - 1.6. "Data Conversion" is defined as the migration by The Library Corporation of the Library's Initial Customer Database for use with Library•Solution.
 - 1.7. "Error" or "Bug" is defined as any function that is performed incorrectly or inconsistently by the Software resulting in incorrect data or failure of the System to provide the correct response.
 - 1.8. "Contract" is defined as this document.
 - 1.9. The terms "Software" and "Software Materials" and "Licensed Software Materials" in this Agreement shall also mean any machine-readable or printed material not included in the Licensed Software and which is designated by The Library Corporation as available under license to libraries who have licensed the program to which those materials relate, including documentation of the System.
 - 1.10. "Documentation" is defined as TLC's current published product descriptions, printed and electronic, for the System, Hardware, Software, Hosted Solution, and Hosting Services.
 - 1.11. "Licensed Software Updates" is defined as periodic enhancements and additional functionality added to the Licensed Software.
 - 1.12. "Sub-Licensed Software" is defined as all applicable Microsoft, Oracle and Cognos Software provided to the Library by The Library Corporation. The Sub-Licensed Software is subject to such limitations and restrictions as required by the original licensor.
 - 1.13. "Sub-Licensed Software Updates" is defined as periodic enhancements and additional functionality added to the Sub-Licensed Software.
 - 1.14. The term "Databases" refers to Library of Congress MARC Database and other information formatted for use by the Licensed Software and provided on machine-readable media by The Library Corporation.
 - 1.15. The terms "Customer's Database" and "Library's Data" and "Library's Database" are defined as the Library's patron, circulation transaction, and MARC catalog machine-readable data, contained in the System or Hosted Solution.
 - 1.16. The "Installation Date" shall be the day on which the Library begins production use of the Hardware, Licensed Software, Hosted Solution, and Hosting Services with the Library's Data fully loaded and available to the Library.
2. Statistics. Statistics set forth in Schedule A, *Library Statistics*, include the numbers estimated in July 2019 of titles, number and type of terminals, number of locations, total items circulated annually at each location, and the number of items in the collections at the Library locations where the System is to be used. "Items" are defined as materials circulated by the Library (individual copies of books, records, cassettes, etc.). Since The Library Corporation relies on these Statistics to choose the type of Hardware and to set parameters of the Software, the Library agrees that its Statistics as shown are reasonably correct.

3. Term. This Agreement is effective until it is terminated according to the provisions contained herein. The Library can terminate this Agreement upon ninety (90) days written notification to The Library Corporation of its intention to terminate. Termination of contract by the library before the end of the five year term will result in penalty of the remaining contract amount.
 - 3.1. Upon termination by the Library, charges for TLC-assisted or customized extract of item and patron data will be charged at the then current rate.
 - 3.2. Termination. The Library Corporation may discontinue any license or terminate this Agreement upon written notice if the Library fails to comply or to contest within thirty (30) days of receipt of such notice, with any of the terms and conditions of this Agreement. In the event the Library becomes insolvent or voluntarily or involuntarily bankrupt or a receiver, or if the Library makes an assignment for the benefit of creditors, then The Library Corporation at its option may immediately terminate this Agreement by notice to the Library to that effect. In no event shall this Agreement be assigned or assignable by operation of law or by voluntary or involuntary bankruptcy proceedings or otherwise, and any such assignment or attempted assignment shall be void and in no event shall this Agreement or any rights or privileges hereunder be an asset of the Library under any bankruptcy, insolvency or reorganization proceedings.
 - 3.3. Term of the Hosting Services Agreement. The Hosting Services Agreement, a sample of which is contained in Schedule I, shall be effective until it is terminated according to the provisions contained therein.
4. Library Corporation Fees and Deliverables. According to the Statistics in Schedule A, and subject to any special conditions appended in Schedule J, Additional Considerations, The Library Corporation will provide deliverables detailed in the following schedules at the fees indicated:
 - Schedule B: Conversion, Processing and Implementation
 - Schedule C: Hosted Solution Costs
 - Schedule D: Peripheral Hardware and Maintenance
 - Schedule E: Software
 - Schedule F: Cataloging Database Subscriptions
 - Schedule G: Installation and Training
 - Schedule H: Payment Schedule
 - Schedule I: Hosting Services
 - Schedule J: Additional Considerations
5. Payment. Payments for Hardware, Software, and all other goods and services shall be made in accordance with the terms that are set forth in Schedule H. Fees enumerated in Schedules B through G are summarized in Schedule H.
6. Site Preparation. It is understood and agreed that the aforesaid fees do not include any site preparation or installation costs except as described in Schedule G, Installation and Training.
7. Licenses. The Library Corporation hereby grants to the Library a perpetual, non-transferable and non-exclusive license to use the Licensed Software.
 - 7.1. Each License granted under this Agreement authorizes the Library to: (a) use the Licensed Software, in object code form only, at the location specified herein and on the designated number

of display units at the location and a number of remote locations authorized in Schedule A, or as provided by Schedule E, (b) utilize the Licensed Software Materials in printed form and the Database in machine-readable form in support of the use of the System.

- 7.2. No title to or ownership of the Software is transferred to the Library, and it remains the proprietary property of The Library Corporation.
 - 7.3. The Library shall not allow the Software or any portion thereof to be reverse-compiled or disassembled.
 - 7.4. The Library Corporation may terminate all proprietary licenses granted hereunder and require return of the Software if the Library fails to comply with these terms and conditions. The Library Corporation shall have the right to enforce these terms and conditions against the Library.
 - 7.5. If the Licensed Software is to be used at other than the designated location(s) as specified by Schedule A, additional licenses may be required for each additional location as addressed in Schedule E, Software. If the Library cannot perform its data processing at the Host Location because of network conditions beyond the Library's control, the affected licenses will be temporarily extended to permit the Library to use the licensed program material at another location.
 - 7.6. The Library must notify The Library Corporation of the Library's intention to change the designation of the location at which Licensed Software is to be used.
 - 7.7. The Library Corporation hereby grants to the Library a perpetual, non-transferable and non-exclusive license to use the Sub-Licensed Software. The Sub-Licensed Software is governed by the licensing terms and conditions of the owners of those Software products, as identified in Section 1.13 of this Agreement.
8. The Library shall:
- 8.1. Pay all costs associated with data lines.
 - 8.2. Pay shipping charges for all Peripheral Hardware purchased from The Library Corporation as defined in Schedule D.
 - 8.3. Pay all fees to previous vendor for export & delivery of Initial Customer's Database.
9. Privacy of Data. The Library Corporation agrees not to use patron details such as names, addresses, etc., for any purpose other than providing requested services to the Library and agrees not to transmit the Library's Data to any third party, except as requested by the Library.

All bibliographic, item, fine, patron, and other records entered into the Library's Database on the Library's System or supplied to The Library Corporation by the Library are and shall remain the sole property of the Library. The Library Corporation shall not, without the Library's written consent, copy or use such records except to carry out contracted work, and shall not, without the Library's consent, transfer such records to any other party not involved in the performance of this Agreement, and shall return submitted records to the Library upon completion of the work hereunder.

The Library shall have the right, without the consent of The Library Corporation to extract such data in industry-standard formats, using The Library Corporation's Software and at no cost to the Library. The Library acknowledges that the methods of storage, compilation, format, and layout constitute proprietary and trade secret information of The Library Corporation and are protected by federal copyright law. The Library Corporation agrees to assist the Library within thirty (30) days of such request, in making such extracts.

10. Protection and Security. All Licensed Software Materials, including, but not limited to Documentation, contain proprietary information, use of which is limited by the licenses granted in this Agreement. The Library will not disclose or otherwise make available any Software Materials in any form to any third party except to the Library's employees, or to agents directly concerned with licensed use of the program.

11. Warranty

- 11.1. The Library Corporation warrants that The Library Corporation has the right to license the Software listed in Schedule E, Software, and to grant sub-license to the Sub-Licensed Software as defined in Section 1.13. The Licensed Software will perform the functions set out in the Documentation. Thereafter The Library Corporation will provide program service and maintenance as described in Schedule H, Part 2, Software Support.
- 11.2. The Library Corporation does not warrant that the operation of the Licensed Software will be uninterrupted or Error-free or that all program defects will be corrected.
- 11.3. The Library Corporation agrees, however, to make its best efforts to correct all reproducible material Errors in programming and discrepancies between the Documentation and the actual Software performance. The Library Corporation further agrees to make its best efforts to correct any Hardware or Software problems that result in total System "downtime".
- 11.4. The Library Corporation warrants that the Library shall acquire good and clear title to the Hardware purchased hereunder, free and clear of all liens, claims, or encumbrances from a third party. Title to the Hardware purchased from The Library Corporation by the Library shall pass from The Library Corporation to the Library upon payment of the final balance due, as outlined under Schedule H, Payment Schedule.
- 11.5. Hardware purchased under this Agreement will be newly manufactured.
- 11.6. The above warranties will apply as long as the Library has maintained Hardware Maintenance as provided by Schedule D and Software Support as provided by Schedule E or during the time of Hosted Services.

12. Software Support and Maintenance.

- 12.1. Telephone support and Licensed Software Updates will be provided as part of the annual Software support service fee, as provided for in Schedule H of this Agreement. The initial cost of the Software includes first-year Software support. Payment of the annual Software support fee entitles the Licensee to continued use of the Software.

12.2. Licensed Software Updates will be made upon release.

12.2.1. The Library Corporation agrees to notify the Library at least 12 months prior to the release of a mandatory Licensed Software Update that would require a Hardware enhancement.

12.3. The Library Corporation reserves the right not to release Licensed Software Updates to the Software during the term of this Agreement. Failure to release Licensed Software Updates to the Software does not constitute default on the part of The Library Corporation because of the continuation of the right to use telephone support and other support-related services.

12.4. After a period of five years from the date of execution of this Agreement, The Library Corporation can discontinue Software support upon two years written notification to the Library and the warranties provided by Section 12.1 of this Agreement shall remain in effect.

12.5. The Library Corporation shall not be responsible for correcting any adverse effects on performance or operation as a result of the Library's use of (a) third-party Hardware or Software, and/or (b) Databases and networks external to the Library•**Solution** System, in conjunction with the Library•**Solution** System. When resources are available, The Library Corporation may provide consultation services or assistance relating to the Library's use of such third-party Hardware and Software, external Databases and networks, and The Library Corporation reserves the right to charge, at the then-published rate, for such services and assistance.

13. The Library's Election of Hosting Services

The Library has elected to receive Hosting Services for operation and delivery of the System to be provided as a Hosted Solution according to the provisions of the Hosting Services Agreement that is to be separately executed by the parties in addition to this Agreement.

13.1. Acceptance and Payment

The Hosting Services Agreement contained in Schedule I of this Agreement defines procedures for Acceptance of the Hosted Solution and Hosting Services that is a prerequisite for full payment of the amounts due under this Agreement as specified by Schedule H.

14. Special considerations

(A) TLC acknowledges that the library's financial commitment in purchasing and maintaining the system is substantial and that the library enters into the contract expecting vendor will remain in business in the foreseeable future to service and maintain the system and fulfill TLC's obligations. Accordingly, TLC represents and warrants that it:

- a. Has not received any notice or claim from any other party that any portion of the system is being used contrary to or in violation of another party's patent, copyright, trademark, trade secret, license, or other intellectual property interest;
- b. Is not now negotiating for the sale or transfer of its business or assets to another entity or company;

- c. Has no knowledge or information that, in the foreseeable future, its ability to fulfill its obligations and commitments to the library will be hindered or jeopardized.

15. Patent and Copyright.

- 15.1. The Library Corporation will defend the Library against any claim that Licensed Software or Software Materials or Sub-Licensed Software or Hardware furnished and used within the scope of the licenses and Sub-Licenses and titles to Hardware granted herein infringe a U.S. patent or copyright and The Library Corporation will pay resulting costs, damages and attorney fees finally awarded, provided that: (a) the Library promptly notifies The Library Corporation in writing of the claim, and (b) The Library Corporation has sole control of the defense and all related settlement negotiations.
 - 15.2. If such claim has occurred, or in The Library Corporation's opinion is likely to occur, the Library agrees to permit The Library Corporation at its option at no additional expense to the Library either to procure for the Library the right to continue using the Licensed Software or Sub-Licensed Software or Hardware or to replace or modify the same so that they become non-infringing.
 - 15.3. The Library Corporation shall have no obligation to defend the Library or to pay costs, damages, or attorney's fees for any claim based upon (1) use of other than a current unaltered release of the Licensed Software if such infringement would have been avoided by the use of a current unaltered release of the Licensed Software, or (2) the combination, operation or use of any Licensed Software or data with non-Library Corporation programs or data if such infringement would have been avoided by the combination, operation or use of the Licensed Software with other Library Corporation-approved programs or data.
 - 15.4. The foregoing states the entire obligation of The Library Corporation with respect to infringement of patents or copyrights.
16. Limitation of Remedies. The Library's right to recover damages to property caused by The Library Corporation's fault or negligence shall be limited to one million dollars (\$1,000,000.00), except for a patent or copyright violation as contained in paragraph 15, Patent and Copyright. The Library Corporation shall not be liable in any event for any damages resulting from the Library's use of products, even if advised of the possibility of such damage. This limitation of liability shall apply regardless of the form of action, whether in contract or tort, including negligence. This Agreement shall be subject to the provisions of the Uniform Commercial Code, with all Hardware and Software to be defined as "Goods".
- 16.1. In no event will The Library Corporation be liable for any damage caused by the Library's failure to perform its responsibilities or for any lost profits or other consequential, special, or indirect damages, even if The Library Corporation has been advised of the possibility of such damages.
17. Waiver of rights. The waiver or failure of The Library Corporation to exercise in any respect any right provided for herein shall not be deemed a waiver of any further right hereunder.
18. Severability. If any provision of this Agreement is invalid, illegal or unenforceable under any applicable statute or rule of law, it is to that extent to be deemed omitted, and the remaining provisions shall not be affected in any way.

- 19. Headings. The headings of the various Paragraphs and Subparagraphs herein are for convenience only and shall not control or affect the meaning or construction of any provisions of this Agreement.

- 20. Governing Law. This Agreement shall be subject to all applicable laws of the Federal Government of the United States of America and to the laws of the State of Maryland. The applicable law for any legal disputes arising out of this Agreement shall be the law of the State of Maryland.

- 21. Saving Clause. All quotations and Agreements are contingent upon accidents, fires, availability of materials, and all other causes beyond the control of either party. Typographical and stenographic errors are subject to correction. Terms inconsistent with those stated herein, which might appear on the Library's formal order or Request for Proposal, will not be binding on The Library Corporation.

- 22. Assignments. The Library and The Library Corporation agree that no sublicensing, nor assignment of its rights or interest, nor delegation of its duties under this Agreement shall be made or become effective without the prior written consent of The Library Corporation or the Library. Any attempted sublicensing, assignment or delegation by either party without prior written consent of the other party shall be wholly void and ineffective for all purposes.

- 23. Taxes not included. The charges shown on this Agreement do not reflect applicable federal, state, and local taxes which may be added to the amounts shown at the time of invoicing.

- 24. Whole Agreement. This Agreement, including Schedules A through L and the documents listed below and referenced attachments which are defined in aggregate as the Contract Documents, constitute the entire Agreement between the parties and supersedes all proposals, presentations, representations, and communications, whether oral or in writing, between the parties on this subject. Latter Agreements supersede former Agreements. Neither party shall be bound by any warranty, statement, nor representation not contained herein. The signatories acknowledge reading and agree to comply with all terms and conditions.

- 25. Amendments. Amendments and modifications to all, or any part, of the Agreement and to the Schedules A through L and referenced attachments, may be made, and shall be binding, only if in writing and signed by duly authorized representatives of both parties.

IN WITNESS WHEREOF the parties have duly executed and delivered this Agreement on the dates set forth below.

ACCEPTED FOR THE LIBRARY

ACCEPTED FOR THE LIBRARY CORPORATION

By _____

By Annette H. Murphy _____

Signature _____

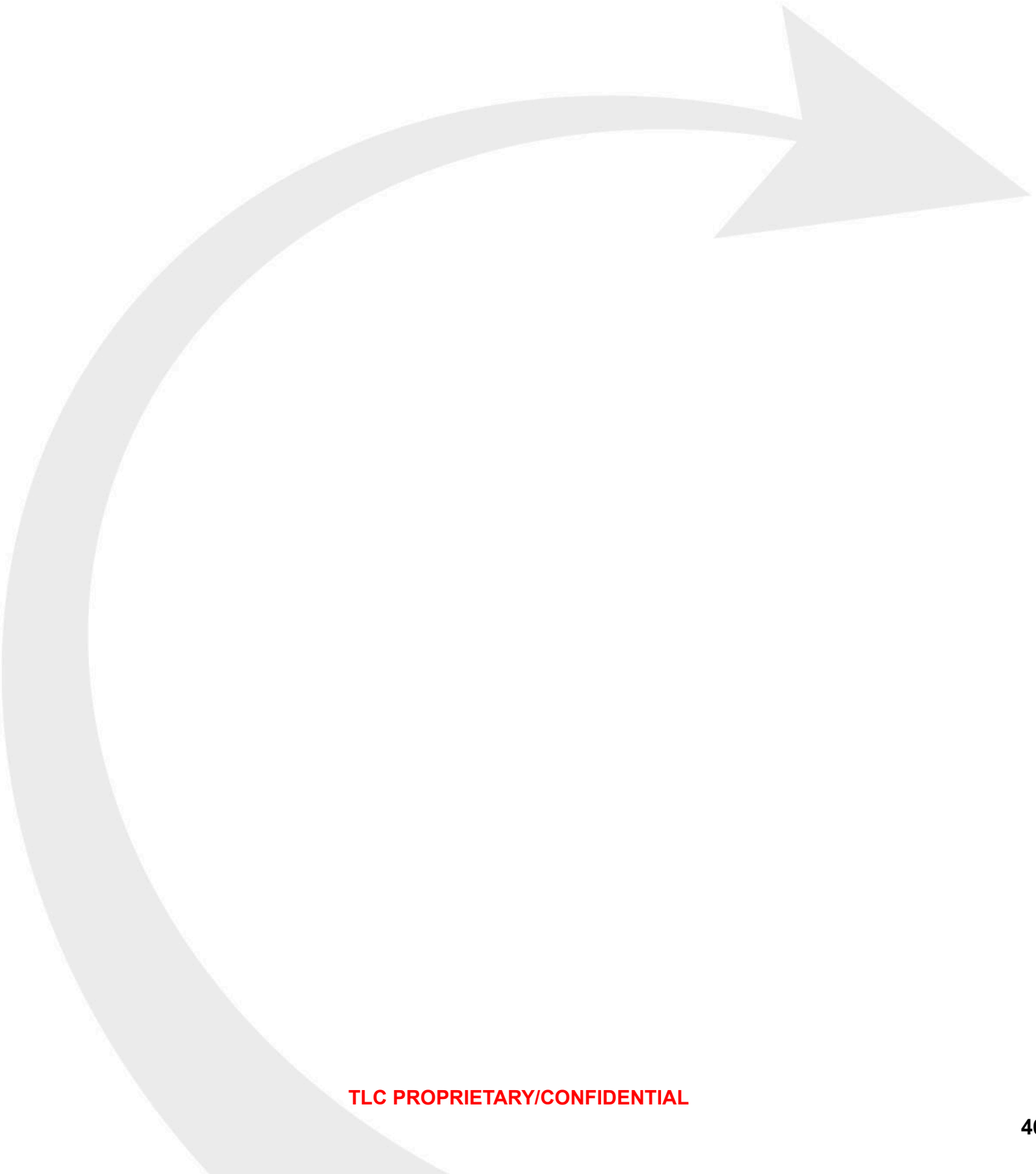
Signature _____

Title _____

Title Chairman, CEO, President _____

Date _____

Date _____



Schedule A

Library Statistics

Estimated Number of Patrons	74,000
Estimated Number of Titles	105,417
Estimated Number of Circulations	800,000
Number of Library Sites	3
Number of Staff Licenses*	9

*Staff License refers to a unique account that will access the TLC software. Any physical station may allow any licensed user to access the software – users are portable.

Schedule B

Conversion, Processing, and Implementation

1. Data Preparation

- 1.1. Number of Bibliographic Records: **105,417**
- 1.2. Data Preparation and clean-up
 - Data clean-up and normalization
 - Authority control processing
 - Global updating of headings
 - RDAExpress retroactive conversion of your existing MARC records to the new RDA cataloging standard
 - Migration of Library Data to Library•Solution

2. Project Implementation Services

- 2.1. Project Management
 - 2.1.1. Project Initiation – outline milestones & deliverables
 - 2.1.2. Coordination with third-party vendors
 - 2.1.3. Operation review – rules configuration, collection review, and workflow analysis
 - 2.1.4. System “look and feel” collaboration with staff
 - 2.1.5. Iterative management process to keep library updated on project progress
- 2.2. Enable ongoing access to national authority files
- 2.3. Customized PAC appearance
- 2.4. Library policy and rules configuration setup
- 2.5. User provisioning and access models defined
- 2.6. Migration review upon go live

3. TLC•Go! Implementation

Total conversion and implementation cost: \$7,270.85

Schedule C

Hosted Solution Costs

Service	1 st Year	Ongoing Annual Support Years 2+ (ea.)
Hosted (TLC•Cloud Services)	\$7,220	\$7,220

Schedule D

Peripheral Hardware and Maintenance

Component	First Year Cost	Annual Support Costs Years 2+
<i>Not applicable</i>		

Schedule E

Software

According to the provisions of this Agreement, The Library Corporation grants perpetual, non-transferable and non-exclusive licenses for the following Software and Databases, subject to the terms and conditions of this Agreement for use at the location(s) specified in Schedule A.

The Library Corporation, Library•**Solution** Integrated Library System and additional modules:

Quantity	Description	First Year Cost	Annual Support Years 2+ (ea.)
1	Library• Solution Core: <ul style="list-style-type: none"> • LS2 Staff • LS2 Cataloging • LS2 Reports • LS2 PAC • LS2 Kids PAC • LS2 Inventory • Oracle Database licensing • Ongoing Authority control • Library•Z (Z39.50 server) 	\$11,160	\$11,160
1	Staff workstation licenses*	Included	Included
1	Reports licenses**	Included	Included
1	Multilingual PAC option	Included	Included
1	OPAC Enrichment	\$3,285	\$3,285
1	Online Selection & Acquisitions	\$1,382	\$1,382
1	eCommerce	\$559	\$559
1	NCIP API (for use with Link+)	\$ 900	\$ 900
1	SIP Version 2 (SIP2)	\$900	\$900
1	eIntegration for borrower service - Overdrive	\$1000	\$1000
1	TLC•Go! – Mobile App	\$4,750	\$4,750
1	TLC•Go! – RFID Self Check for 2 libraries	\$2,000	\$1,000
1	Active Directory (AD)/SSO	\$1,999	\$1,999
1	Reports Authoring License	\$800	\$800
	TOTAL	\$28,735	\$27,735

*The cost to add an Library•**Solution** Software license will be \$1,000 per user, with an annual support cost of \$200/yr.

**The cost to add a Reports license will be \$400 per user with an annual support cost of \$100/yr.

Schedule F

Cataloging Database Subscriptions

The Library Corporation will grant perpetual, non-transferable and non-exclusive licenses for the following cataloging database subscription, subject to the terms and conditions of this Agreement for use at the location(s) specified in Schedule A.

Quantity	Description	First Year Cost	Annual Support Years 2+ (ea.)
1	ITS•MARC core dataset	Included	\$995
1	A/V access extended dataset	Not Included	Not Included
TOTAL			\$995

Schedule G

Installation and Training

1. Training
 - 1.1. Two (2) days of onsite training for one TLC trainer to train the library's staff.
 - 1.2. One (1) day of remote training for staff not trained during the onsite training days.
 - 1.3. Two (2) days of remote training for reports authoring
 - 1.4. If the Library feels more training is needed, additional days can be purchased at \$1,650/day for onsite or \$750/day for remote training

Note: All of TLC's own related training expenses are included.

Total for Installation and Training: **\$5,550**

Schedule H Part 1

1. Summary of charges:

Description	Year One (1) Total Cost	Annual Cost Per Year 2+ (ea.)
Conversion, Processing and Implementation Services (Schedule B)	\$7,270.85	N/A
Hosted Solution Costs (Schedule C)	\$7,220	\$7,220
Peripheral Hardware (Schedule D)		
Shipping (Schedule D)		
Software Subscription(s) (Schedule E)	\$28,735	\$27,735
Cataloging Database Subscription (Schedule F)	Included	\$995
Installation and Training (Schedule G)	\$5,550	N/A
TOTAL	\$48,775.85	\$35,950

Payment schedule: 25% down at contract signing with remainder due net 30 days from date of invoice (installation)

Description	Year One (1) Total	Ongoing Costs (years 2 – 5 ea.)
ILS core software charge	\$11,160	\$11,160
Add-on software and subscriptions	\$17,575	\$17,570
TLC•Cloud Services Charges	\$7,220	\$7,220
Conversion and Training	\$12,820.85	
TOTAL	\$48,775.85	\$35,950

1.1. Alternate description of charges:

Payment schedule: Annual License will be invoiced 90 days prior to annual anniversary of Installation Date and will be due prior to Installation Date Anniversary.

Schedule H Part 2

Software Support Years One (1) Through Five (5)

Annual Licensed Software Support Cost (included in software subscription)

1. Annual Licensed Software Support includes telephone diagnostic service available during normal company business hours (6:30 a.m. – 9:00 P.M. EST Monday - Friday) additionally with emergency referrals from The Library Corporation's Operations Center to on-call personnel, 24 hours per day, and 7 days per week. All Library•**Solution** customers have access to The Library Corporation's toll-free (800) telephone line.
2. Software support covers troubleshooting of any Software-related problem and provision of updates to the latest version of the System Software.
 - 2.1. First- year software support is included in Software costs.
3. Software support fees include:
 - 3.1. Library•**Solution** Core ILS (as outlined in Schedule E)
 - 3.2. ITS•**MARC**®
 - 3.3. Online Selection & Acquisitions (OSA)
 - 3.4. SIP Server
 - 3.5. OPAC Enrichment
 - 3.6. NCIP API
 - 3.7. Ongoing Authority Control

Schedule I

Hosting Services Agreement

By execution of this Hosting Services Agreement the parties agree that TLC will provide Hosting Services to the Library by which as described herein TLC will install, implement, operate, and maintain System at a Host Location remote from the Library's premises and deliver access to and use of the System as a Hosted Solution by the Library over data communications lines, including the Internet. TLC's remote hosting is provided by Oracle Cloud.

1. General

TLC will provide to the Library Hosting Services for operation and delivery of the Hosted Solution over data communication lines substantially in accordance with applicable Documentation and TLC's then-current published product descriptions for the Hosting Services. As part of the Hosting Services, TLC will (a) configure, install, maintain, monitor and operate the System and Software components provided by TLC; (b) provide access to the Hosting Services; and (c) secure and maintain connectivity with third-party telecommunication providers, all as necessary to provide the Hosting Services and the Library's Database via the Internet. Institution is responsible for securing and maintaining its own Internet connectivity to access the System and the Hosting Services.

2. Hosting Services Detail

TLC Hosting was designed to offer our products to libraries who desire a higher level of outsourced server hardware service and support.

Hosted Service & Maintenance includes:

- State of the art hosting facilities with redundant data communication lines and load balancing to ensure the best performance.
- Fully redundant power using redundant PDU's, battery backup and diesel generators
- Multi layered network security.
- Nightly backup
- Comprehensive 24x365 monitoring
- Operating System updating
- Database configuration and updating
- TLC Software updating
- The fastest possible response time for any server-related issues

In the event of an unrecoverable, localized disaster, such as an equipment malfunction, the customer's hosted solution would be restored to a standby server and any lost data would be restored from the nightly backups.

3. Service Level

TLC will use its best efforts to provide the Hosting Services and to establish, operate, and maintain the Hosted Solution in accordance with this Hosting Services Agreement. TLC's obligations under this Hosting Services Agreement are subject to materials and services provided by equipment, telecommunications and/or other suppliers and to delays by or actions of Institution or third parties. The Library acknowledges that the Hosting Services may be subject to temporary interruptions due to causes beyond TLC's reasonable control, and such temporary interruptions will not be deemed to be a breach of any obligations under this Hosting Services Agreement.

4. Uptime Commitment

TLC will use its best efforts to ensure that the Hosted Solution is available 99.9% of the time (the "Uptime Commitment"). The Uptime Commitment will be measured as follows:

$$\text{Uptime Commitment} = (T - P - D) / (T - P) * 100\%$$

T = the total number of minutes in the respective month

P = planned outages (which will not exceed four (4) hours per month), telecommunications or power disruptions caused by third parties, any other causes beyond TLC's reasonable control, and excluding other times described herein.

D = the total number of minutes of unplanned downtime in the month.

TLC agrees to notify the Library promptly of any factor, occurrence, or event coming to its attention that may affect TLC's ability to meet the Uptime Commitment, or that is likely to cause any material interruption or disruption of the Hosting Services.

Notice of scheduled maintenance shall occur 3 days prior to scheduled downtime.

In the event planned emergency maintenance is required, TLC will make best efforts to notify the Library as soon as possible in advance.

5. Hosted Solution Performance and Response Time Warranties, Testing, and Remediation

TLC agrees and warrants that:

- a. The Software, System, Hosting Services, and Hosted Solution will perform substantially in accordance with the Contract Documents and this Hosting Services Agreement, and if the Hosted Solution fails to perform within the response-time performance levels or functions and capabilities described herein, then TLC will make whatever enhancement to the Hosted Solution that is necessary to provide the contracted levels of performance and functionality as specified by this Hosting Services Agreement within a reasonable time frame and at no cost to the Library.
- b. During operation of the Hosted Solution under normal business conditions during hours of operations of Library in which the activities of users are not scripted to create pre-defined transaction mixes for purposes of stress-testing licensed software or the response-time performance or capacity of the licensed software, the Hosted Solution shall perform transactions with average response times of ≤ 2 seconds as measured at workstations connected to the Hosted Solution server at the Host Location.
- c. On demand during the term of this Hosting Services Agreement, a thirty (30) minute response time test can be conducted by the Library to determine whether the Hosted Solution is meeting response times of ≤ 2.5 seconds at the Library's locations for transactions using one (1) to three (3) workstations connected to the Hosted Solution.
- d. If the Library determines that the Hosted Solution is performing transactions at a Library site with an average response time of > 2.5 seconds, then TLC shall measure performance of transactions at the Host Location and if the average response time of the Hosted Solution is found to be > 2 seconds, then TLC will make whatever enhancement to the Hosted Solution that is necessary to provide average response times of ≤ 2 seconds as measured at workstations connected to the Hosted Solution server at the Host Location.

6. Acceptance of the System, Hosted Solution, and Hosting Services

- a. TLC agrees that the Library may test the performance of the System, Hosted Solution, and Hosting Services for an Acceptance Test Period of thirty days from the Installation Date and

TLC PROPRIETARY/CONFIDENTIAL

notify TLC of any non-conformance in performance of the Hosted Solution with the functionality and response times as specified in the Contract Documents and this Hosting Services Agreement.

b. If, during the Acceptance Test Period the Library so notifies TLC of any such non-conformance, TLC shall use its best efforts to resolve each non-conformance, and the Acceptance Test Period will then be re-started, during which Library may begin again testing of the Hosted Solution for thirty days from that time. Such testing will continue until the Library notifies TLC that the Hosted Solution is acceptable or until the Acceptance Test Period has expired without notification by the Library to TLC of a non-conformance.

In the event that any non-conformance cannot be resolved to the Library's satisfaction, TLC and the Library agree to engage in negotiations to establish an understanding and basis for the Library's continued use and acceptance of the System, Hosted Solution, and Hosting Services.

ACCEPTED FOR THE LIBRARY,

By _____

Signature _____

Title _____

Date _____

ACCEPTED FOR THE LIBRARY
CORPORATION

By Annette H. Murphy _____

Signature _____

Title Chairman, CEO, President _____

Date _____

Schedule J

Additional Considerations

1. Second-Year Support Costs, is stated in Schedule H-part 2, and schedule F, and includes all Software and Hardware purchased under this agreement.
2. Library **Solution** includes IBM Cognos Business Intelligence Version 10.2.0, or higher which delivers a full library of pre-written reports, lists, and notices to support most reporting needs. Report formats include lists, notice forms, bar charts, pie charts, line graphs, and cross-tabs. Staff can schedule the reports to run during off-hours and the reports can be automatically delivered to specified email recipients.

One User License per site is included. The User License provides the ability to run any reports in the Reports Library. This license also enables staff to set personal preferences, schedule reports, subscribe to a scheduled report, create and manage report folders, and personalize standard reports. Additional licenses are available at additional cost. Note: The Library has agreed to purchase a total of three (3) licenses, so that additional staff may have access to LS2 Reports.

8/12/2024

Agenda Item No. E)

PRESENTER:

John Cox, Streets & Drainage Manager

SUBJECT:

Approval of annual contracts with E-Z Bel construction, LLC and The Levy Company, Inc. for installation and maintenance of traffic signals.

DEPARTMENT: Public Works

COUNCIL DISTRICTS IMPACTED: All

BACKGROUND INFORMATION:

A Request for Proposals was issued April 11, 2024 for installation and maintenance of traffic signals. The evaluation committee review and are recommending E-Z Bel construction, LLC and The Levy Company, Inc. for award. This contract is an on-call contract to support the Public Works Streets division for installation and maintenance that the department cannot support. The work entails the contractor providing all material, labor, equipment, traffic control plan (TCP), vehicles, and any other items required to furnish, install, repair and maintain traffic control and related devices on a Unit Price Basis to Public Works in routine on-call, emergency, maintenance, repairs, and upgrades (including new installations) of traffic signals that are under the jurisdiction of the City of New Braunfels.

The term of this contract is for an initial one (1) year term with two (2) one (1) year renewal options, for a total of three (3) years. This is an annual City-wide purchase on a requirements basis and the cost is estimated to have an annual spend of \$300,000 which will be distributed between the contractors as assigned by the department.

ISSUE:

Continue an ongoing program of infrastructure construction and maintenance.

STRATEGIC PLAN REFERENCE:

- Economic Mobility Enhanced Connectivity Community Identity
- Organizational Excellence Community Well-Being N/A

FISCAL IMPACT:

The above-referenced services occur on an as-needed basis. The cost for these on-call services is incorporated into the appropriate department or capital project budget as applicable. Therefore, sufficient funds are available.

RECOMMENDATION:

Staff recommends the approval of annual contracts with E-Z Bel construction, LLC and The Levy Company, Inc. for installation and maintenance of traffic signals.

8/12/2024

Agenda Item No. F)

PRESENTER:

Elizabeth Ghiorso, Solid Waste Manager

SUBJECT:

Approval of an expenditure with Schaefer Plastics North America, LLC of up to \$150,000 for the purchase of residential refuse and recycling containers and lids.

DEPARTMENT: Public Works**COUNCIL DISTRICTS IMPACTED:** All**BACKGROUND INFORMATION:**

The Solid Waste Division purchases an average of two full loads of each residential refuse and recycling containers on an annual basis. Each load consists of 793 units at \$52.50 per unit. Additionally, replacement lids are regularly ordered for repairs and to support the residential extra container program. Schaefer Plastics is our current supplier of residential refuse and recycling containers and replacement lids and is part of an HGAC Cooperative Contract which satisfies the competitive procurement requirement.

ISSUE:

Replenish supply of residential refuse and recycling containers and lids.

STRATEGIC PLAN REFERENCE:

Economic Mobility Enhanced Connectivity Community Identity
 Organizational Excellence Community Well-Being N/A

FISCAL IMPACT:

The funds for this expenditure are incorporated into the FY24 Solid Waste budget.

RECOMMENDATION:

Staff recommends the approval of this expenditure.

8/12/2024

Agenda Item No. G)

PRESENTER:

Jennifer Gates, Grants Coordinator

SUBJECT:

Approval of a ratification for the submission of a grant application to the U.S. Department of Energy for their Energy Efficiency and Conservation Block Grant Program; authorization for the City Manager to accept funds and execute all contract documents associated with the grant; and approval of a contract with Yates Company, LLC for the replacement of boilers located at the City's Main Public Library and Civic/Convention Center.

DEPARTMENT: Finance**COUNCIL DISTRICTS IMPACTED:** Citywide**BACKGROUND INFORMATION:**

The City's adopted 2024-2029 Strategic Plan includes an objective addressing continuation of diversifying revenue streams to support long-term fiscal sustainability of the Organization. Therefore, Staff recently submitted a Voucher Rebate for Equipment request to the U.S. Department of Energy (DOE) for their Energy Efficiency and Conservation Block Grant (EECBG) Program, supported by the Infrastructure Investment and Jobs Act of 2021 (IIJA), also known as the Bipartisan Infrastructure Law (BIL). The EECBG Program is designed to assist governmental entities when implementing strategies to reduce their energy use and fossil fuel emissions, and to improve their energy efficiency.

As such, City staff requested grant funding to replace Heating, Ventilation, and Air Conditioning (HVAC) boilers at the City's Main Public Library and Civic/Convention Center due to the advanced age and failing condition of the current equipment, causing increased cost and frequency of repairs. The new boilers will meet all applicable energy efficiency standards, allowing the City to greatly reduce its annual energy consumption, and increase reliability of the equipment and the year-round comfort of its residents, visitors, and staff.

On July 23, 2024, City received approval for its proposed project by the DOE; the total grant award amount is \$143,530, and there is no City match requirement. Therefore, Staff is requesting City Council approval for ratification of the grant application, and authorization for the City Manager to accept funds and to execute all contract documents associated with the award of the grant.

Additionally, Staff is requesting approval for the purchase and installation of four boilers, two at the Main Public Library and two at the Civic/Convention Center, for a total cost of \$130,103 from Yates Company, LLC using a cooperative contract administered by The Interlocal Purchasing System (TIPS), thereby fulfilling competitive procurement requirements. Any additional project costs will be supported by the balance of grant funding and supplemented by other City funding if needed.

ISSUE:

The City's adopted 2024-2029 Strategic Plan includes an objective pertaining to fiscal sustainability, e.g. acceptance of the grant award and associated procurement request as described within this agenda item.

STRATEGIC PLAN REFERENCE:

Economic Mobility Enhanced Connectivity Community Identity

Organizational Excellence Community Well-Being N/A

Considering statutory and market-based factors, continue to diversify revenue streams to support long-term fiscal sustainability of the Organization.

FISCAL IMPACT:

The granting agency will provide reimbursement of all awarded costs; there is no City-match requirement. Therefore, sufficient funds are available to support the purchase and installation of equipment as described above.

RECOMMENDATION:

Staff recommends approval of a ratification for the submission of a grant application to the U.S. Department of Energy for their Energy Efficiency and Conservation Block Grant Program; authorization for the City Manager to accept funds and execute all contract documents associated with the grant; and approval of a contract with Yates Company, LLC for the replacement of boilers located at the City's Main Public Library and Civic/Convention Center.

8/12/2024

Agenda Item No. H)

PRESENTER:

Matthew Eckmann, Assistant Director of Public Works

SUBJECT:

Approval of an expenditure and corresponding budget amendment in the amount of \$163,869 to Collision Country Repair Center for the repair of a solid waste collection vehicle.

DEPARTMENT: Public Works

COUNCIL DISTRICTS IMPACTED: All

BACKGROUND INFORMATION:

On May 26, 2022, Unit 54212 was damaged in a traffic accident. A claim was submitted through TML the City was authorized to proceed with repairs through the Collision Country Repair Center. To date, funds have been received of \$52,062 on July 15, 2022, and \$36,508 on November 22, 2022. During the repair process, additional damage was found which resulted in an increased repair timeline and additional repair costs totaling \$75,299. A supplemental invoice has been submitted to TML and is currently under review. Public Works is seeking approval for the final payment to the repair shop as well as approval of the budget amendment for this repair.

ISSUE:

Due to the traffic accident taking place in a previous fiscal year, the Solid Waste Fund does not currently have the funds budgeted for these repairs. The Solid Waste Fund requires a budget amendment totaling \$163,869 to complete the repairs.

Budget Amendment:

Increase Budget:

Operating Expenditures \$163,869

STRATEGIC PLAN REFERENCE:

Economic Mobility Enhanced Connectivity Community Identity
Organizational Excellence Community Well-Being N/A
[Enter Objectives/Performance Measures Supported]

FISCAL IMPACT:

The Solid Waste Fund has already received claim revenue totaling \$88,570 and has submitted an additional claim for the remaining \$75,299 that is currently under review. If the full amount is awarded by TML, then there would be a net-zero impact to the Solid Waste Fund. To be conservative, the staff is requesting a budget amendment for the total expenditure (\$163,869), which assumes an impact of \$75,299 to the fund balance this fiscal year.

The funds to support the increase in expenditures will be supplemented by the Solid Waste fund balance, therefore sufficient funds are available.

RECOMMENDATION:
Staff recommends approval.

8/12/2024

Agenda Item No. 1)

PRESENTER:

Jeff Jewell, Economic and Community Development Director

SUBJECT:

Approval of a recommendation by the Tax Increment Reinvestment Zone #3 Board to amend the TIRZ 3 Project and Financing Plan

DEPARTMENT: Economic and Community Development

COUNCIL DISTRICTS IMPACTED: 1, 5

BACKGROUND INFORMATION:

In December 2021, the New Braunfels Downtown Tax Increment Reinvestment Zone Project & Finance Plan was finalized. This document identifies the establishment of TIRZ 3, the project plan, eligible improvements, and a financing plan. Page one of the Plan provides a description of the zone and sets the baseline property value as \$167,638,727. Staff recently discovered this base value is incorrect and needs to be adjusted to the actual baseline taxable property value of \$141,765,876. This corrected value has been provided to the Texas Comptroller's Office in the most recent annual compliance report. Additional edits to the Plan include:

- Clarifying the description of economic development incentives
- Adding details to economic incentives and parking improvements
- Other corrections to typographical errors

The TIRZ 3 Board met on July 29, 2024 and approved these proposed edits unanimously.

ISSUE:

Errors were identified in the TIRZ 3 Project and Finance Plan; Staff has addressed these edits, the TIRZ 3 Board has approved these corrections, and now the City Council will review and take action.

STRATEGIC PLAN REFERENCE:

- Economic Mobility Enhanced Connectivity Community Identity
Organizational Excellence Community Well-Being N/A

FISCAL IMPACT:

This item addresses corrections to an existing Plan; no fiscal impact is anticipated.

RECOMMENDATION:

Staff recommends approval of the TIRZ 3 Board's approved edits

New Braunfels Downtown
Tax Increment Reinvestment Zone
Project & Financing Plan

City of New Braunfels, Texas
December 13, 2021



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FIGURE 2: EXISTING LAND USE WITHIN THE PROPOSED TIRZ #3 ERROR! BOOKMARK NOT DEFINED.

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PROJECT PLAN

OVERVIEW

The City of New Braunfels, Texas is considering implementing a tax increment reinvestment zone (TIRZ) to fund redevelopment projects and programs in Downtown New Braunfels. The proposed new zone would be named TIRZ #3 – Downtown Tax Increment Reinvestment Zone (TIRZ #3).

This document is designed to meet the legal requirements of designating a TIRZ. The statutes governing tax increment financing are located in Chapter 311 of the State of Texas Tax Code.

EXISTING TAX INCREMENT FINANCING DISTRICTS IN THE CITY OF NEW BRAUNFELS

There are two existing City of New Braunfels TIRZs. The first is the Creekside TIRZ (TIRZ #1) and the second is the Rivermill TIRZ (TIRZ#2). Under Chapter 311 of the Texas Tax Code, cities with fewer than 100,000 residents may not create a new TIRZ if the total appraised value of taxable real property in the proposed reinvestment zone and in the existing reinvestment zones would exceed 50.0 percent of the total appraised value of taxable real property within the city and its industrial districts. In addition, a TIRZ may not be created if more than 30.0 percent of the property in the proposed new reinvestment zone is used for residential purposes at the time of designation. The proposed TIRZ #3 complies with these state rules.

DESCRIPTION OF TAX INCREMENT REINVESTMENT ZONE #3

The proposed TIRZ #3 will cover approximately 183 acres (including roads and right of way). The 2021 baseline taxable property value of the TIRZ is approximately \$ 141,765,876~~167,638,727~~.00.

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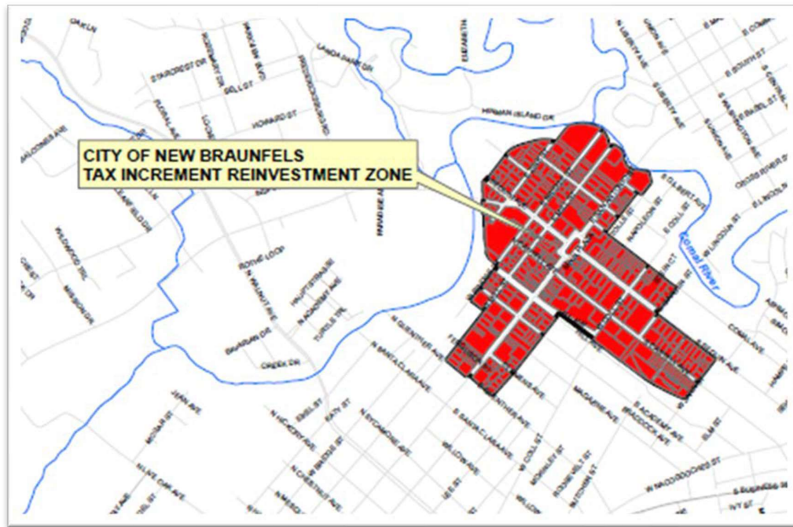
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TABLE 1: EXISTING LAND USE OF PROPOSED TIRZ #3

Land Use	Acres	Percentage
Commercial	68.52	
Government	12.10	
Industrial	5.35	
Institution	16.52	
Open	7.43	
Residential High Density	2.52	
Residential Low Density	23.61	
Residential Medium Density	0.68	
Schools	3.57	
Rights of Way	40.62	
Total Area	180.91	
Non-public	117.19	
Total Residential	26.81	23%
Maximum Residential	35.16	30%

Source: City of New Braunfels Existing Land Use Map

Figure 1: Proposed TIRZ #3 Geographic Boundary



BOARD COMPOSITION

The TIRZ #3 Board shall be comprised of seven (7) members appointed by the New Braunfels City Council and to the greatest extent possible shall include five (5) property owners from within the TIRZ#3 boundaries and two at-large members (residing in Comal County or adjacent counties). These Board members shall serve 2-year staggered terms.

The duties of the TIRZ No. 3 Board will include making recommendations to the City Council concerning the administration, management, and operation of the Zone. The Board shall perform all duties imposed upon it by Chapter 311 of the Texas Tax Code and all other applicable laws.

EXISTING ZONING AND LAND USE GUIDELINES APPLICABLE TO TIRZ #3

Existing City of New Braunfels land use, zoning guidelines, and policies would apply to all properties within the city limits.

TAXING JURISDICTIONS APPLICABLE TO TIRZ

The proposed TIRZ #3 is located within the following taxing jurisdictions:

- City of New Braunfels
- Comal County
- ~~Comal-New Braunfels~~ ISD

PROPOSED CHANGES IN MASTER PLANS, ZONING ORDINANCES, AND BUILDING CODES

There are no current master plans or anticipated changes to master plans or zoning ordinances.

RELOCATION OF DISPLACED PERSONS

This plan currently does not call for nor anticipate the displacement and relocation of persons for the proposed projects.

PROJECT PLAN IMPROVEMENTS

TIRZ #3 will provide support for catalytic infrastructure and incentives that will facilitate the redevelopment of the Downtown area. The Downtown area faces barriers to continued redevelopment as much of the pedestrian infrastructure in the zone is insufficient. Additionally, new development in the zone has been stifled due to a lack of convenient and adequate parking given the built-out nature of the development pattern. Finally, aging building systems and utility connections are a barrier to redevelopment as the majority of the existing building stock was constructed over 50 years ago and is out of compliance with modern requirements such as building codes, life safety, and Americans with Disabilities Act (ADA) access requirements.

Public infrastructure investments and additional enhancements are required to successfully redevelop the TIRZ #3 area. In addition, other projects might be added to the list as future development projects and related opportunities present themselves.

Table 2: Downtown Development Costs Funded by TIRZ #3

Project	Cost	Description
Public Infrastructure Improvements	\$7,500,000	Sidewalk construction/repair, installation of bicycle facilities, pedestrian amenities, enhanced crossings, roadway restriping and reconfiguration and other right-of-way improvements with direct community benefits.
Economic Development Incentives	\$4,000,000	Environmental Remediation, Interior/Exterior Demolition, Historic Façade Restoration Improvements/Easements and Fire Safety Improvements/Grants Land and Construction Costs including equipment and infrastructure
Parking Improvements	\$2,000,000	Land assembly, leases, and other projects that subsidize or otherwise provide public parking in strategic areas.
Administration and Implementation	\$1,000,000	
Total	\$14,500,000	

ELIGIBLE PROJECT COSTS

1. PUBLIC INFRASTRUCTURE IMPROVEMENTS

This category includes TIRZ-eligible expenditures for improvements to local streets, including paving, utility infrastructure upgrades/relocation (water, wastewater, storm water), burial of overhead utilities as well as lighting improvements, street trees/planters, and sidewalk improvements for enhancing pedestrian linkages between throughout the historic downtown core.

2. ECONOMIC DEVELOPMENT INCENTIVES

Downtown New Braunfels has several buildings that contribute to the character and fabric of the community, but these buildings sometimes are financially unfeasible to properly redevelop because of the cost of environmental remediation of asbestos, lead-based paint and other contaminants, interior and exterior demolition costs, façade improvement costs and fire and ADA accessibility issues. Interior and exterior demolition expenses are tied directly to the remediation expenses. These costs are TIRZ-eligible expenditures. Remediation of environmentally hazardous materials and associated improvements, using TIRZ funds, greatly improves the marketability of these buildings. This budget category is necessary for attracting highly desired mixed-use and adaptive reuse projects to the Downtown TIRZ, including attracting new retail, office, and residential uses. Historic façade improvements and new construction under this program will be reviewed for compliance with any adopted design standards to ensure compatibility with other improved structures and investment in the Downtown area. Other eligible expenses include incentives of land or funds to boost development which diversifies the economy of the zone, grows property values and long-term property tax collections; and lessens the cost of private development by providing reimbursement for qualified public improvements.

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3. PARKING IMPROVEMENTS

Downtown New Braunfels' growth in business activity, visitors, and resident population has created additional pressure on parking availability in Downtown. The city's planned parking updates and public transit will bring challenges and opportunities to Downtown visitors, residents, and employees. TIRZ funds may be used to acquire, construct, reconstruct, or install parking facilities such as a public lot, garage, parking terminal or other structure or accommodation for parking motor vehicles off the street. This includes equipment, entrances, exits, fencing, and other accessories needed for safety and convenience. Privately-owned parking facilities may also be leased or improved for public or Downtown employee use.

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3-4. ADMINISTRATION & IMPLEMENTATION

Administration costs, including reasonable charges for time spent by City of New Braunfels employees, will be eligible for reimbursement as project costs. Administration costs are estimated at \$40,000 per year.

SUMMARY OF PROJECT COSTS

The total estimated cost of TIRZ #3 public infrastructure investment in the district is in excess of \$8 million. These costs will be refined in the final project and finance plan that will need to be adopted by the [TIRZ #3 Board](#) and New Braunfels City Council.

FINANCING PLAN

Tax increment financing is a tool used by local governments to publicly finance needed infrastructure and other improvements within a defined area. These improvements are usually undertaken to promote the viability of existing businesses and to attract new commercial enterprises to the area. The statutes governing tax increment financing are located in Chapter 311 of the State of Texas Tax Code.

The costs of improvements in the defined zone are repaid by the contribution of future property tax revenues by each taxing unit that levies taxes against the property. Specifically, each taxing unit can choose to dedicate all, a portion, or none of the tax revenue that is attributable to the increase in property values due to the improvements within the reinvestment zone. Cities can also designate a portion of sales tax. The additional tax revenue that is received from the affected properties is referred to as the tax increment. Each taxing unit determines what percentage of its tax increment, if any, it will commit to repayment of the cost of financing the public improvements.

COMPLIANCE & REPORTING

The TIRZ Board policies shall comply with all federal, state, and local laws, rules and regulations. The TIRZ Board will submit project status reports and financial reports as required by state law.

PUBLIC SECTOR ENTITIES PARTICIPATING IN TIRZ #3

All project costs will be paid through the contribution of incremental property [and sales taxes](#) collections. This preliminary plan assumes that the City of New Braunfels will contribute a portion of their total tax rate (maintenance and operations (M&O) and interest and sinking (I&S) ad valorem tax rate for 25 years. The proposed TIRZ #3 does not include any sales tax increment.

FINANCIAL FORECAST ASSUMPTIONS

- **TIRZ Duration** – It is assumed the TIRZ will have a 25-year lifespan.
- **TIRZ Allocation** – assumes that the City of New Braunfels will contribute 85% of their total incremental property tax collections.
- **Tax Rate** – While tax rates do change over time, the 2021 tax rates were held constant for the purposes of forecasting anticipated property tax revenue for the duration of the TIRZ.
- **Existing Properties** – The 2021 baseline property value of the TIRZ is approximately \$168 million but varies slightly by taxing jurisdiction based on exemptions offered.
- **Real Property** – Only taxable real property values are included in the tax increment calculations. By law, business personal property values are excluded from TIRZ.
- **Inflation & Appreciation Rate** – The inflation rate used for the value of improvements is 5.0 percent per year.
- **Net Present Value** – The net present values of the tax increment were calculated at a discount rate of 5.0 percent.

- **Future Development Patterns** – These assumptions do not include adjustments for future development. It is anticipated that TIRZ improvements will induce an organic growth in property values through induced development. These developments are currently undefined, and their value is not known. It is noted that the values shown in this plan are a conservative estimate and it is somewhat likely that revenues will exceed those presented in this forecast.

FINANCIAL FORECAST SUMMARY RESULTS

The following table depicts the anticipated revenue generated over 25 years. The revenue forecast assumes the TIRZ is established in 2021 (baseline year). The first TIRZ increment will occur in 2022.

Table 3: Preliminary TIRZ #3 Forecast for City Contribution

Calendar Year	Projected Tax Collections	Available for Fiscal Year Ending 30-Sep
2021	\$0	2022
2022	\$32,705	2023
2023	\$67,044	2024
2024	\$103,101	2025
2025	\$140,961	2026
2026	\$180,713	2027
2027	\$222,454	2028
2028	\$266,281	2029
2029	\$312,299	2030
2030	\$360,619	2031
2031	\$411,355	2032
2032	\$464,627	2033
2033	\$520,563	2034
2034	\$579,295	2035
2035	\$640,965	2036
2036	\$705,718	2037
2037	\$773,708	2038
2038	\$845,098	2039
2039	\$920,057	2040
2040	\$998,765	2041
2041	\$1,081,408	2042
2042	\$1,168,183	2043
2043	\$1,259,296	2044
2044	\$1,354,966	2045
2045	\$1,455,419	2046
Total	\$14,865,599	2046

CONCLUSION

Based on the preliminary development plans for this area and anticipated tax revenue, a TIRZ is economically and financially feasible. The TIRZ should generate revenue to pay for infrastructure and redevelopment costs. Over the next 25 years, the TIRZ could generate approximately \$14.8 million to fund target improvements and incentives.

These projections are based on the best available datasets and information related to market conditions in the region. Given the high visibility of this area, for example, the substantial commitment of a few large developers could have a significantly positive impact on both the level and timing of future growth. Moreover, the financial projections make no allowance for positive spillover to the value of other properties in area as a result of new development (beyond inflation), which easily could occur. At the same time, a slowdown in development as a result of a weaker national economy, negative changes in key drivers of regional economy, or other unforeseen issues could materially reduce the volume of construction put in place, and resulting tax revenue, over the next 25 years.

APPENDIX – PARCELS WITHIN TIRZ #3

Table 4: Parcels within Proposed TIRZ #3 (Listed by Property ID Number)

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0	73	164	515	885	954	1008	1459
1	74	165	828	886	955	1009	1461
2	75	167	829	887	956	1010	1462
3	76	168	830	888	957	1011	1463
4	77	200	831	889	958	1012	1464
5	78	202	832	890	959	1013	1465
6	80	203	833	891	960	1014	24297
7	82	204	834	892	961	1016	30483
8	83	205	835	893	962	1024	37068
9	84	206	836	894	963	1026	44893
31	85	207	837	896	965	1027	44893
32	86	208	839	898	966	1028	44895
33	87	211	840	899	967	1029	54551
35	88	212	841	900	968	1030	137586
36	89	213	842	906	970	1032	145956
37	90	214	843	907	971	1034	152413
38	91	215	845	908	972	1035	378489
39	92	216	846	909	973	1037	378490

40	93	218	847	910	974	1038	378760
41	94	220	848	911	975	1040	410103
42	95	272	849	912	976	1042	431520
44	96	273	850	913	977	1044	431521
45	98	274	851	914	978	1045	431522
45	99	276	852	915	979	1046	431524
46	100	278	854	916	980	1047	431525
47	102	279	855	917	981	1048	
48	103	280	856	920	982	1049	
49	104	281	857	922	984	1050	
50	105	282	858	923	985	1051	
51	146	283	859	924	986	1292	
52	147	284	862	925	987	1435	
53	148	285	863	926	988	1436	
54	149	286	864	927	989	1438	
55	150	287	868	928	994	1440	
57	151	288	870	930	995	1441	
58	152	289	871	931	996	1442	
59	153	290	873	932	997	1443	
60	154	291	874	933	998	1445	

61	155	292	875	934	999	1446
62	156	293	876	935	1000	1447
64	157	294	877	936	1001	1448
65	158	295	878	937	1002	1449
66	159	296	879	939	1003	1450
68	160	297	880	950	1004	1453
69	161	298	881	951	1005	1456
70	162	299	882	952	1006	1457
72	163	300	883	953	1007	1458



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METES AND BOUNDS DESCRIPTION
 FOR A 182.91 ACRE TRACT
 CITY OF NEW BRAUNFELS TAX INCREMENT REINVESTMENT ZONE (TIRZ)

Being a Political Boundary Description for 182.91 acres of land located within the Juan Martin De Veramendi Survey, A-2, in the City of New Braunfels, Comal County, Texas. Said boundary is comprised of 359 parcels of land and being more particularly described as follows:

BEGINNING at a point in the Southeast line of West Mill Street at it's intersection with an alley for the West corner of Lot 10, Block 44, New City Block (NCB) 3002, conveyed to the Patricia Blankenship Wyatt Revocable Trust, recorded in Document No. 201906022022 of the Official Public Records of Comal County Texas, Prop Id. 1051;

THENCE with the Northwest line of said Lot 10, NCB 3002, Lot 9 conveyed to Suzanne Marie Slovak, recorded in Document No. 201406034073 of the Official Public Records of Comal County Texas, Prop Id. 1050 and Lot 8 conveyed to Susan C. Milburn, recorded in Volume 204, Page 716 of the Comal County Deed Records, Prop Id. 1049, North 38°26'24" East, a distance of 262.81 feet to a point for the North corner of said Lot 8 and the West corner Ferguson Street (25' R.O.W.);

THENCE continuing with the Southeast line of West Mill Street, crossing Ferguson Street, North 38°33'11" East, a distance of 25.02 feet to a point for the North corner of Ferguson Street and the West corner of Lot 7, NCB 3001, conveyed to Celeste M. Forres, recorded in Document No. 200506003047 of the Official Public Records of Comal County Texas, Prop Id. 1030;

THENCE continuing with the Southeast line of West Mill Street, and the North line of NCB 3001, along the West line of the following five properties,

1. said Lot 7, NCB 3001
2. the property conveyed to First Methodist Church in Volume 422, Page 795 of the Comal County Deed Records, Prop Id. 1024,
3. Lot 12 conveyed to First United Methodist Church of New Braunfels, recorded in Document No. 201106032720 of the Official Public Records of Comal County, Texas, Prop Id. 1032,
4. Lot 14, conveyed to Leslie J. Lammers and Thomas E. Tumlinson recorded in Document No. 201706033702 of the Official Public Records Comal County Texas, Prop Id. 1034,
5. Lot 15, conveyed to Neil & Debbie Jo Allen, recorded in Document No. 201606021969 of the Official Public Records of Comal County Texas, Prop Id. 1035, North 38°17'23" East, a distance of 629.02 feet to a point for the North corner of said Lot 15;

THENCE crossing West Mill Street (66.66' R.O.W.) North 52°50'56" West, a distance of 66.51 feet to a point for the South corner Lot 216, NCB 3020, owned by New Braunfels Independent School District, no recording information found, Prop Id. 1292, and the East corner of Lot E NCB 3020;

THENCE with the Southwest line of Lot 216 and the Northeast line of Lot E and F, NCB 3020, North 52°57'12" West, a distance of 189.08 feet to a point in the Southeast line of West Bridge Street for the West corner of Lot 216 and the North corner of Lot F, NCB 3020;



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THENCE with the Southeast line of West Bridge Street and the Northwest line of Lot 215 and Lot 215, owned by New Braunfels Independent School District, Prop Id. 1292, North 37°56'42" East, a distance of 195.27 feet to a point for the North corner of said Lot 215 and the West corner of North Academy Avenue;

THENCE with the Southeast line of West Bridge Street, crossing North Academy Ave (66.66' R.O.W.), North 37°50'05" East, a distance of 65.00 feet to a point for the West corner of a portion of Lot 103, NCB 2010 conveyed to Mary Ann Autry, recorded in Volume 141, Page 266 of the Comal County Deed Records, Prop Id. 924 and the North corner of North Academy Avenue;

THENCE continuing with the Southeast line of West Bridge Street, and the Northwest line of NCB 2010, the following 3 tracts,

1. said portion of Lot 103,
2. a portion of Lot 104, conveyed to James E. Glasgow Jr. and Carolyn M. Glasgow, recorded in Document No. 202006020515 of the Official Public Records of Comal County Texas, Prop Id. 925,
3. a portion of Lot 105, conveyed to Carr 2 Casa, LLC, recorded in Document No. 202106001621 of the Official Public Records of Comal County Texas, Prop Id. 927, North 37°46'59" East, a distance of 274.04 feet to a point for the North corner of said Lot 105, lying in the Southwest line of the Mo Pac Railroad (100' R.O.W.);

THENCE continuing with the Southeast line of West Bridge Street, crossing said Mo Pac Railroad R.O.W., North 37°46'58" East, a distance of 100.00 feet to a point in the Northeast Mo Pac Railroad R.O.W. for the West corner of Lot 107, NCB 2010, no deed information found, Prop Id. 931;

THENCE crossing West Bridge Street (66.66' R.O.W.), North 38°48'47" West, a distance of 66.82 feet to a point for the South corner of NCB 2011, a tract of land conveyed to Hilmar W. Rust, recorded in Volume 417, Page 786, Comal County Deed Records, Prop Id. 939;

THENCE with the West line of said Rust property, the following three calls:

- 1.) North 52°00'00" West, a distance of 109.44 feet to a point;
- 2.) North 24°46'30" West, a distance of 95.05 feet to a point;
- 3.) North 38°42'00" East, a distance of 48.50 feet to a point for the North corner of said Rust property, lying in the Southwest line of Lot 1, Block 1, Sts. Peter and Paul Catholic Church Subdivision, recorded in Volume 12, Page 233 of the Map Records of Comal County Texas, Prop Id. 54551;

THENCE with the West line of said Lot 1, North 52°00'00" West, a distance of 32.29 feet to a point in the East line of the M & KT Railroad R.O.W.;

THENCE with the East line of said railroad and the East line of Lot 1, Sts. Peter and Paul Subdivision and a tract conveyed to the Archbishop of San Antonio, recorded in Volume 152, Page 205 of the Comal County Deed Records, Prop Id. 1014, the following two calls:

- 1.) North 09°02'53" West, a distance of 140.44 feet to a point



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- 2.) North 02°00'58" West, a distance of 357.85 feet to a point for the North corner of said Prop Id. 1014, lying in the South line of a tract conveyed to the Archbishop of San Antonio, recorded in Volume 614, Page 563 of the Comal County Deed Records, Prop. Id. 1016;

THENCE with the West line of said Prop Id. 1016, the following two calls:

- 1.) North 74°48'08" West, a distance of 21.53 feet to a point;
- 2.) North 02°44'13" West, a distance of 166.08 feet to a point for the North corner of said Prop. Id 1016, lying in the South line of Landa Street - State Highway 46 (60' R.O.W.);

THENCE crossing Landa Street – State Highway 46, North 18°34'25" East, a distance of 60.12 feet to a point for the Southwest corner of NCB 2018, a 0.436 of an acre tract conveyed to Hayes & Reno, LLC, recorded in Document No. 200406038372 of the Official Public Records of Comal County, Texas, Prop Id. 1012;

THENCE with the West line of said 0.436 acre tract, NCB 2018 and the East line of said M & KT Railroad R.O.W., North 02°25'50" West, a distance of 248.35 feet to a point for the Northwest corner of said 0.436 of an acre tract, NCB 2018, lying in the Southwest line of North Seguin Avenue;

THENCE crossing North Seguin Avenue (93.72' R.O.W.), North 57°10'49" East, a distance of 99.52 feet to a point for the West corner of NCB 2017, Lot 4A, conveyed to Agile Key, LLC, recorded in Document No. 202006024772 of the Official Public Records of Comal County Texas, Prop Id 999, at the Southeast intersection of Meusebach Street and North Seguin Avenue;

THENCE with the Southwest line of Meusebach Street and the Northwest line of NCB 2017, and the Northwest line of the following 4 tracts,

1. said Lot 4A,
2. a portion of Lot 4, conveyed to Charles W. and Catherine Reger, recorded in Document No. 201406011069, of the Official Public Records of Comal County, Texas, Prop Id. 1000,
3. a portion of Lot 5, conveyed to Hayes & Reno, LLC, recorded in Document No. 200906007159 of the Official Public Records of Comal County Texas, Prop Id. 1001,
4. a portion of Lots 5 and 6, conveyed to Matthew Pusateri and Katherine Lynch, recorded in Document No. 202006005968 of the Official Public Records of Comal County Texas, Prop Id. 1002, North 38°01'54" East, a distance of 382.05 feet to a point for the North corner of NCB 2017, lying in the Southwest line of North Market Street;

THENCE with the Southeast line of Meusebach Street, crossing North Market Avenue (66.66' R.O.W.) North 34°23'13" East, a distance of 61.83 feet to a point for the West corner of Lot 32R, NCB 2016, a subdivision recorded in Document No. 201706014260 of the Official Public Records of Comal County Texas, Prop Id. 981, being the West corner of the intersection of Meusebach and North Market Street;

THENCE with the West line of NCB 2016, said Lot 32R and the Southeast line of a railroad spur track, the following eleven calls:

- 1.) North 38°10'09" East, a distance of 24.58 feet to a point;
- 2.) North 51°34'56" East, a distance of 13.45 feet to a point;
- 3.) North 51°34'57" East, a distance of 7.29 feet to a point;



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- 4.) North 55°34'35" East, a distance of 9.80 feet to a point;
- 5.) North 55°34'35" East, a distance of 37.97 feet to a point;
- 6.) North 59°05'47" East, a distance of 47.58 feet to a point;
- 7.) North 65°09'32" East, a distance of 32.79 feet to a point;
- 8.) North 65°09'32" East, a distance of 16.33 feet to a point;
- 9.) North 71°08'49" East, a distance of 47.93 feet to a point;
- 10.) North 73°25'53" East, a distance of 48.98 feet to a point;
- 11.) North 74°40'15" East, a distance of 131.63 feet to a point for the North corner of said Lot 32R and the a Northwest corner of a portion of Lot 7, NCB 216 conveyed to Jason E. Hurta, recorded in Document No. 201306023835 of the Official Public Records of Comal County Texas, Prop Id. 989;

THENCE with the Northwest line of said portion of Lot 7, North 71°07'45" East, a distance of 31.13 feet to a point for the North corner of said portion of Lot 7 and the West corner of Lot 1 & 2, Hays Subdivision, recorded in Document No. 9706009482 of the Official Public Records of Comal County Texas, Prop Id. 30483;

THENCE with the South line of the Railroad Spur Track and the North line of said Hayes Subdivision, along a non-tangent curve to the right, said curve having a radius of 566.93 feet, a central angle of 23°51'55", a chord bearing and distance of North 86°59'00" East, 234.44 feet, for an arc distance of 236.14 feet to a point for the East corner of said subdivision and NCB 2016, lying in the West line of East Zink Street (66.66' R.O.W.);

THENCE crossing East Zink Street, South 78°25'28" East, a distance of 84.29 feet to a point for the South corner of the intersection of East Zink Street and North Gibert Avenue, (49.5' R.O.W.), now closed and conveyed to ADM Milling Co., recorded in Document No. 9606001284 of the Official Public Records of Comal County Texas, Prop Id. 883, also being the North corner of NCB 2014;

THENCE with the Southeast line of East Zink Street and the Northwest line of North Gilbert Avenue and the Northwest line of NCB 2015, a tract conveyed to ADM Milling Co. in "Exhibit A, Tract 6", recorded in Volume 284, Page 817, Comal County Deed Records, Prop Id. 980, North 38°42'00" East, a distance of 277.84 feet to a point for the Northwest corner of said ADM Tract 6, lying in the South line of the Comal River;

THENCE with the North line of said ADM Tract 6 and the meanders of the South line of the Comal River, the following seven calls:

- 1.) North 72°20'49" East, a distance of 99.38 feet to a point;
- 2.) North 79°52'57" East, a distance of 40.73 feet to a point;
- 3.) North 90°00'00" East, a distance of 101.72 feet to a point;
- 4.) South 84°11'54" East, a distance of 106.33 feet to a point;
- 5.) South 75°47'44" East, a distance of 34.85 feet to a point;
- 6.) South 54°59'01" East, a distance of 51.84 feet to a point;
- 7.) South 70°13'18" East, a distance of 45.99 feet to a point for the Northeast corner of said ADM Tract 6 at the Northwest intersection of the Comal River and East Bridge Street;



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THENCE with the Comal River and the end of East Bridge Street (66.66' R.O.W.), South 48°47'29" East, a distance of 67.91 feet to a point for the Northwest corner of a tract of land, owned by the City of New Braunfels, known as Prince Solms Park, Prop Id. 886;

THENCE with the Northeast line of said Prince Solms Park, the end of East Mill Street (66.66' R.O.W.) and the South line of the Comal River, the following eight calls:

- 1.) South 29°00'55" East, a distance of 116.96 feet to a point;
- 2.) South 03°00'46" West, a distance of 48.43 feet to a point;
- 3.) South 45°00'00" East, a distance of 32.40 feet to a point;
- 4.) South 12°05'39" East, a distance of 18.22 feet to a point;
- 5.) South 57°05'44" East, a distance of 6.96 feet to a point;
- 6.) South 57°05'40" East, a distance of 18.81 feet to a point;
- 7.) North 77°19'11" East, a distance of 52.18 feet to a point;
- 8.) South 55°00'25" East, a distance of 13.52 feet to a point for the End of East Mill Street at the Comal River and the North corner of NCB 2005, a 1.004 acre tract, conveyed to Fountaineer Investments, LLC, recorded in Document No. 201906026762 of the Official Public Records of Comal County Texas, Prop Id. 885;

THENCE with the North line of said 1.004 acre tract and the South line of the Comal River the following four calls:

- 1.) South 55°36'21" East, a distance of 89.91 feet to a point;
- 2.) South 35°05'46" East, a distance of 57.55 feet to a point;
- 3.) South 12°51'04" East, a distance of 59.47 feet to a point;
- 4.) South 24°55'00" West, a distance of 22.49 feet to a point in the East line of said 1.004 acre tract and the North corner of a tract conveyed to ADM Milling Co. in "Exhibit A 1. (a.)", recorded in Volume 284, Page 817 of the Comal County Deed Records, Prop Id. 431524;

THENCE with the North line of said ADM Milling Co., Tract 1. (a.), and the South line of the Comal River, the following seven calls:

- 1.) South 04°17'53" West, a distance of 24.64 feet to a point;
- 2.) South 48°44'33" East, a distance of 27.30 feet to a point;
- 3.) South 36°19'35" East, a distance of 43.40 feet to a point;
- 4.) South 01°18'42" East, a distance of 28.34 feet to a point;
- 5.) South 32°10'01" East, a distance of 24.48 feet to a point;
- 6.) South 58°45'51" East, a distance of 32.97 feet to a point;
- 7.) South 30°57'14" East, a distance of 36.96 feet to a point for the East corner of said ADM Milling Co. Tract 1. (a.), lying in the Northwest line of East San Antonio Street;

THENCE with the South line of the Comal River crossing East San Antonio Street (93.72' R.O.W.) South 80°51'44" East, a distance of 100.98 feet to a point in the Southeast line of East San Antonio Street for the North corner of NCB 1043, a 1.608 acre tract, conveyed to Auferstehung, Inc., recorded in Document No. 9806024551 of the Official Public Records of Comal County, Texas, Prop Id. 515;



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THENCE with the North line of said 1.608 acre tract and the South line of the Comal River, the following three calls:

- 1.) South 81°19'51" East, a distance of 78.90 feet to a point;
- 2.) South 87°15'51" East, a distance of 98.50 feet to a point;
- 3.) South 13°17'51" East, a distance of 150.98 feet to a point for the Northeast corner of said 1.608 acre tract, lying in the West line of Tolle Street (67.56" R.O.W.);

THENCE with the West line of Tolle Street and the Southeast line of said 1.608 acre tract, South 38°11'09" West, a distance of 215.80 feet to a point at the North corner of the intersection of Tolle Street and South Gilbert Avenue;

THENCE with the North line of South Gilbert Avenue and the Southwest line of said 1.608 acre tract, North 52°30'51" West, a distance of 70.31 feet to a point in the Southwest line of said 1.608 acre tract;

THENCE crossing South Gilbert Avenue (60' R.O.W.) South 38°20'17" West, a distance of 57.68 feet to a point in the Southwest line of South Gilbert Avenue and the East corner of Lot 143 and a portion of Lot 142, NCB 1007, conveyed to ESA Partners, LLC., recorded in Document No. 202106016449 of the Official Public Records of Comal County Texas, Prop Id 431522, also being the North corner of Lot A, NCB 1007, Prop Id 107;

THENCE with the West line of said Lot A, NCB 1007 and the East line of the following 6 tracts,

1. said Lot 143 and a portion of Lot 142,
2. a tract conveyed to Greg Korman, recorded in Document No. 200806021412 of the Official Public Records of Comal County Texas, Prop Id 104,
3. a tract conveyed to Sheri Ann Jentsch, recorded in Document No. 200406040799 of the Official Public Records of Comal County Texas, Prop Id. 105,
4. a tract conveyed to Cabana Social Club, recorded in Document No. 201106012145 of the Official Public Records of Comal County Texas, Prop Id. 103,
5. a tract conveyed to Bob and Betty Kiesling, recorded in Document No. 200706051883 of the Official Public Records of Comal County Texas, Prop Id. 102,
6. a tract conveyed to Avis E. & Nancy Field, described in Document No. 200506047553 of the Official Public Records of Comal County Texas, Prop Id. 100, South 38°20'17" West, a distance of 384.65 feet to a point for the North corner of the intersection of Tolle Street and South Market Street, being the South corner of NCB 1007;

THENCE crossing South Market Street (66.66' R.O.W.) South 38°20'17" West, a distance of 65.00 feet to a point for the South corner of the intersection of South Market Street and Tolle Street, being the East corner of NCB 1006;

THENCE with the Northwest line of Tolle Street and the Southeast line of NCB 1006 and the following two tracts:

1. a tract conveyed to Layton L. Leissner, No Deed information found, Prop Id. 96,



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2. Lot 38 and a portion of Lot 39 conveyed to Southwestern Bell Tx, No Deed information found, Prop Id. 431521, South 38°20'17" West, a distance of 220.41 feet to a point for the South corner of NCB 1006 and the North corner of the intersection of Comal Avenue and Tolle Street;

THENCE crossing Comal Avenue (66.66' R.O.W.) South 40°28'43" West, a distance of 65.11 feet to a point for the East corner of Lot 37, NCB 1005, conveyed to Kenneth D. Brazle and David G. Pfeuffer, recorded in Document No. 9706006117 of the Official Public Records of Comal County Texas, Prop Id. 37;

THENCE with the Southwest line of Comal Avenue and the Northeast line of the following 14 tracts, 1. said Lot 37,

2. a tract conveyed to the City of New Braunfels, No Deed information found, Prop Id. 69,
3. a tract conveyed to Naeglins Bakery Inc, recorded in Volume 677, Page 398 of the Comal County Deed Records, Prop Id. 70,
4. a tract conveyed to 4K Mayo Property LLC., recorded in Document No. 201906010636 of the Official Public Records of Comal County Texas, Prop Id. 72,
5. a tract conveyed to Stadt Corp., recorded in Document No. 200606001808 of the Official Public Records of Comal County Texas, Prop Id. 77,
6. a tract conveyed to T.L. Marglin#6, LLC., recorded in Document No. 201506028574 of the Official Public Records of Comal County Texas, Prop Id. 76,
7. a tract conveyed to Guadalupe Amaro Partnership, recorded in Document No. 202006059688 of the Official Public Records of Comal County Texas, Prop Id. 78,
8. a tract conveyed to Guadalupe Amaro Partnership, Prop Id. 82, recorded in Document No. 202006059689 of the Official Public Records of Comal County Texas, Prop. Id. 82,
9. a tract conveyed to Guadalupe Amaro Partnership, recorded in Document No. 202006059687 of the Official Public Records of Comal County Texas, Prop Id. 83,
10. a tract conveyed to Natman Investments, LLC., recorded in Document No. 201906016789 of the Official Public Records of Comal County Texas, Prop Id. 95,
11. a tract conveyed to the Duettra Georgia B. Exempt Trust, recorded in Document No. 201106039865 of the Official Public Records of Comal County Texas, Prop Id. 92,
12. a tract conveyed to Daniel and Mikki Tharp, recorded in Document No. 200406042582 of the Official Public Records of Comal County Texas, Prop Id. 90,
13. a tract conveyed to Julie and Greeson Taylor, recorded in Document No. 9906005966 of the Official Public Records of Comal County Texas, Prop Id. 89,
14. a tract conveyed to Chris and Heather Allen, recorded in Document No. 201906000593 of the Official Public Records of Comal County Texas, Prop Id. 88, South 52°33'38" East, a distance of 772.64 feet to a point for the East corner of NCB 1005 and the West corner of the intersection of Comal Avenue and East Coll Street;

THENCE with the Southwest line of Comal Avenue, crossing East Coll Street (66.66' R.O.W.) South 52°31'46" East, a distance of 65.01 feet to a point for the South corner of the intersection of Comal Avenue and East Coll Street and the North corner of NCB 1011, being the North corner of a property conveyed to Julie A. Glisky, recorded in Document No. 200706020402 of the Official Public Records of Comal County Texas, Prop Id. 153;



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THENCE with the Southwest line of Comal Avenue and the Northeast line of NCB 1011 and the following 5 tracts;

1. said Glisky tract,
2. a tract conveyed to Frederick Frueholz, Jr., recorded in Volume 212, Page 44 of the Comal County Deed Records, Prop Id. 155,
3. a 1.477 acre tract conveyed to Elks 2279 of NB BPOE, recorded in Volume 184, Page 934 of the Comal County Deed Records, Prop Id. 149,
4. Lot 164, conveyed to Greg and Leslie Baenziger, recorded in Volume 608, Page 630 of the Comal County Deed Records, Prop Id. 156,
5. a portion of Lot 88, conveyed in a Death Certificate to Carola M. Davis, recorded in Document No. 200106040183 of the Official Public Records of Comal County Texas, Prop Id. 152, South 52°24'50" East, a distance of 482.55 feet to a point for the West corner of the intersection of Comal Avenue and East Garden Street, and the East corner of NCB 1011;

THENCE with the Northwest line of East Garden Street and the Southeast line of NCB 1011 and the Southeast line of the following 4 tracts,

1. said Carola M. Davis tract,
2. a portion of Lot 88, conveyed to Michael & Rhonda Neel, recorded in Document No. 9806014444 of the Official Public Records of Comal County Texas, Prop Id. 151,
3. a portion of Lot 79 conveyed to Richard M. Wangenheim Jr., recorded in Document No. 201806033352 of the Official Public Records of Comal County Texas, Prop Id. 147,
4. a portion of Lot 79 conveyed to William and Diane Mehrer, recorded in Document No. 9806000302 of the Official Public Records of Comal County Texas, Prop Id. 146, South 38°16'20" West, a distance of 386.20 feet to a point for the North corner of the intersection of East Garden Street and South Seguin Avenue, also being the South corner of NCB 1011;

THENCE with the Northwest line of East Garden Street, crossing South Seguin Street, (93.72' R.O.W.) South 38°11'55" West, a distance of 93.73 feet to a point for the West corner of the intersection of East Garden Street and South Seguin Avenue, also being the East corner of NCB 1012, and the East corner of a tract conveyed to the City of New Braunfels, recorded in Volume 172, Page 820 of the Comal County Deed Records, Prop Id. 159;

THENCE with the Southwest line of South Seguin Avenue, crossing East Garden Street (66.66' R.O.W.) South 52°36'25" East, a distance of 65.01 feet to a point for the South corner of the intersection South Seguin Avenue and East Garden Street, also being the North corner of NCB 1017 and the North corner of a Lot 181 conveyed to Marion & Robbie Borchers, recorded in Volume 1017, Page 28 of the Comal County Deed Records, Prop Id. 213;

THENCE with the Southwest line of South Seguin Ave. and the Northeast line of the following 5 tracts, 1. said Lot 181,

2. Lot 180 conveyed to Mario Borchers, recorded in Document No. 200406042893 of the Official Public Records of Comal County Texas, Prop Id. 212,
3. Lot 179 conveyed to 448 S. Seguin, LLC., recorded in Document No. 202006016856 of the Official Public Records of Comal County Texas, Prop Id. 211,



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4. Lots 178 & 185, conveyed to Communication Professionals, Ltd., recorded in Document No. 200206002205 of the Official Public Records of Comal County Texas, Prop Id. 208,
5. Lot 177 and a portion of Lot 160 conveyed to Jahn Building Development LLC., et al, recorded in Document No. 201206036421 of the Official Public Records of Comal County Texas, Prop Id. 207, South 52°35'59" East, a distance of 482.87 feet to a point for the Southwest corner of the intersection of South Seguin Avenue and Butcher Street, also being the East corner of NCB 1017;

THENCE with the South line of South Seguin Avenue, crossing Butcher Street (30' R.O.W.), South 52°33'56" East, a distance of 30.00 feet to a point for the Southeast corner of the intersection of South Seguin Avenue and Butcher Street, also being the North corner of NCB 1021, and the North corner of a tract conveyed to Dunverking Real Estate, Ltd., recorded in Document No. 201006008905 of the Official Public Records of Comal County Texas, Prop Id. 281;

THENCE with the Southwest line of South Seguin Avenue and the Northeast line of NCB 1021 and the Northeast line of the following 5 tracts,

1. said Dunverking Real Estate, LLC. Tract,
2. a tract conveyed to Troy D. Burch, Jr., recorded in Document No. 200706019362 of the Official Public Records of Comal County Texas, Prop Id. 282,
3. Lot 7R conveyed to D'Ann Harper Development Corp, recorded in Document No. 200506001310 of Official Public Records of Comal County Texas, Prop Id. 283,
4. Lot 14 conveyed to Becker Investments, Lp, recorded in Document No. 201406031140 of the Official Public Records of Comal County Texas, Prop Id. 285,
5. a tract conveyed to Big Diamond Inc., recorded in Document No. 201006026405 of the Official Public Records of Comal County Texas, Prop Id. 286, South 52°33'56" East, a distance of 516.88 feet to a point for the Northwest corner of the intersection of Jahn Street and South Seguin Avenue, also being the East corner of NCB 1021 and the East corner of said Big Diamond Inc. tract;

THENCE with the Northwest line of Jahn Street and the Southeast line of NCB 1021 and the Southeast line of the following 5 tracts,

1. said Big Diamond LLC tract,
2. a tract conveyed to William M. Norris, recorded in Document No. 200706003522 of the Official Public Records of Comal County Texas, Prop Id. 267,
3. a tract conveyed to CMF Real Estate Holdings, LLC, recorded in Document No. 201506026255 of the Official Public Records of Comal County Texas, Prop Id. 288,
4. Lots 3 & 4, Block 13 of the Re-subdivision of Jahn Addition, recorded in Volume 52, Page 351 of the Comal County Map Records, Prop Id. 273, conveyed to Yawn Group, LLC, recorded in Document No. 201806003260 of the Official Public Records of Comal County Texas
5. Lots 1 & 2, Block 13 of said Re-subdivision of Jahn Addition, as conveyed to My Little Girl, LLLC, recorded in Document No. 201106036607 of the Official Public Records of Comal County Texas, Prop Id. 272, South 37°32'43" West, a distance of 385.32 feet to a point for the North corner of the intersection of Jahn Street and South Castell Avenue, also being the South corner of NCB 1021;



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THENCE with the Northwest line of Jahn Street, crossing South Castell Avenue (66.66' R.O.W.) South 37°32'43" West, a distance of 65.00 feet to a point for the West corner of the intersection of South Castell Avenue and Jahn Street and the East corner of NCB 1022;

THENCE with the Northwest line of Jahn Street and the Southeast line of NCB 1022, and the following 2 tracts and a street,

1. Lot 10, NCB 1022 conveyed to Katherine Truesdell, recorded in Document No. 201106030712 of the Official Public Records of Comal County Texas, Prop Id. 298,
2. the South line of Colvin Street (20' R.O.W.),
3. Lots 11,12 & 13, NCB 1022 conveyed to Jahn Street Properties, LLC., recorded in Document No. 201206041187 of the Official Public Records of Comal County Texas, Prop Id. 299, South 37°40'03" West, a distance of 268.68 feet to a point for the Northwest corner of the intersection of Jahn Street and the International Great Northern Railroad (100' R.O.W.);

THENCE with the North line of the International Great Northern Railroad R.O.W. and the Southwest line of said Jahn Street Property, North 66°14'32" West, a distance of 206.14 feet to a point for the Northwest corner of said Jahn Property and the Southeast corner a tract conveyed to the City of New Braunfels, in Parcel 1, recorded in Document No. 9706007700 of the Official Public Records of Comal County Texas, Prop Id. 167;

THENCE with the Railroad R.O.W. and the Southwest line of said City of New Braunfels tract, the following two calls:

- 1.) North 62°40'55" West, a distance of 190.28 feet to a point;
- 2.) North 61°36'04" West, a distance of 127.92 feet to a point in the Southwest corner of said City of New Braunfels tract, being the Southeast corner of the intersection of said railroad and Butcher Street;

THENCE with the Northeast line of said Railroad and crossing Butcher Street (30' R.O.W.) North 55°33'40" West, a distance of 32.30 feet to a point for the Northwest corner of Butcher Street and the South corner of a tract conveyed to the City of New Braunfels, in Parcel 2, recorded in Document No. 9706007700 of the Official Public Records of Comal County Texas, Prop Id. 410103;

THENCE with the Northeast line of said Railroad R.O.W. and the Southwest line of said Parcel 2, North 58°04'38" West, a distance of 53.79 feet to a point for the Southwest corner of said Parcel 2;

THENCE with the Northeast line of said Railroad 100' wide R.O.W., North 53°31'48" West, a distance of 438.20 feet to a point for the Southwest corner of the intersection of East Garden Street and said Railroad R.O.W.;

THENCE with the Railroad R.O.W., crossing East Garden Street (66.66' R.O.W.) North 52°28'19" West, a distance of 65.00 feet to a point for the South corner of NCB 1013, being the West corner of the intersection of said Railroad R.O.W. and East Garden Street;



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THENCE with the Northeast line of said Railroad R.O.W. and the Southwest line of NCB 1013, North 52°49'35" West, a distance of 480.14 feet to a point for the West corner of NCB 1013 and the East corner of the intersection of said Railroad R.O.W. and West Coll Street (66.66' R.O.W.);

THENCE with the Northeast line of said 100' wide Railroad R.O.W., North 53°16'43" West, a distance of 637.05 feet to a point in the Northeast line of said Railroad R.O.W. and the Southwest line of Hill Avenue;

THENCE crossing said Railroad R.O.W., South 37°29'34" West, a distance of 100.00 feet to a point for the West corner of the intersection of said Railroad R.O.W. and Cross Street, and the East corner of NCB 1001 and the East corner of a tract conveyed to Donald and Lynn Forres, recorded in Document No. 9706017179 of the Official Public Records of Comal County Texas, Prop Id. 9;

THENCE with the Northwest line of Cross Street and the Southeast corner of the following 3:

1. said Donald and Lynn Forres tract,
2. a tract conveyed to Allegiant Senior Living, LLC, recorded in Document No. 201706039281 of the Official Public Records of Comal County Texas, Prop Id. 4,
3. a tract conveyed to Edward and Charlotte Cavanaugh Family Trust, recorded in Document No. 201806001171 of the Official Public Records of Comal County Texas, Prop Id. 378760, South 38°24'08" West, a distance of 265.63 feet to a point for the North corner of the intersection of Cross Street and South Academy Ave and the South corner of NCB 4001, and the South corner of said Edward and Charlotte Cavanaugh Family Trust tract;

THENCE with the Northwest line of Cross Street, crossing South Academy Street (66.66' R.O.W.), South 36°55'45" West, a distance of 68.78 feet to a point for the West corner of the intersection of South Academy Street and Cross Street, and the East corner of a tract conveyed to Michael J. Pollard, recorded in Document No. 200306033121 of the Official Public Records of Comal County Texas, Prop Id. 1442;

THENCE with the Northwest line of Cross Street and the Southeast line of the following 4 tracts,

1. said Pollard tract,
2. a tract conveyed to Janie Mott, recorded in Document No. 201806037582 of the Official Public Records of Comal County Texas, Prop Id. 1438,
3. Lots 1 and 6, NCB 4001 conveyed to Sophies Gasthaus, LLC., recorded in Document No. 202106034115 of the Official Public Records of Comal County Texas, Prop Id. 1443,
4. a tract with no deed information available, Prop Id. 1448, South 38°03'53" West, a distance of 492.03 feet to a point for the East corner of a tract conveyed to Delio and Juanita Bustos, recorded in Volume 390, Page 418 Comal County Deed Records;

THENCE continuing with the Northwest line of Cross Street, and the Southeast line of NCB 4001, and the following 2 tracts,

1. said Bustos tract,
2. a tract conveyed to Armando Martinez, recorded in Document No. 201406021790 of the Official Public Records of Comal County Texas, Prop Id. 1450, South 38°03'53" West, a distance of 152.68 feet to a point for the North corner of the intersection of Clemens Avenue and Cross Street;



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THENCE with the Northwest line of Cross Street, crossing Clemens Avenue (66.0' R.O.W.) South $41^{\circ}54'11''$ West, a distance of 65.09 feet to a point for the West corner of the intersection of Clemens Avenue and Cross Street, being the East corner of NCB 4002;

THENCE with the Northwest line of Cross Street and the Southeast line of NCB 4002 and the Southeast line of the following 4 tracts:

1. a confidential tract, Prop Id. 1463,
2. a tract conveyed to Richard Rabe, recorded in Document No. 201506004178 of the Official Public Records of Comal County Texas, Prop Id. 1465,
3. a tract conveyed to Jeffrey and Maria Turner, recorded in Volume 839, Page 487 of the Comal County Deed Records, Prop Id. 1461,
4. a tract conveyed to Gary and Sue McGurk, recorded in Volume 594, Page 727 of the Comal County Deed Records, Prop Id. 1462, South $42^{\circ}17'48''$ West, a distance of 400.57 feet to a point for the North corner of the intersection of Cross Street and South Guenther Avenue, also being the South corner of NCB 4002 and said McGurk property;

THENCE with the Northeast line of South Guenther Avenue and the Southwest line of the following 3 tracts:

1. said McGurk tract,
2. a tract conveyed to the Seals Family Properties, LLC., recorded in Document No. 202006009910 of the Official Public Records of Comal County Texas, Prop Id. 1458,
3. a tract conveyed to Seals Family Property, LLC., recorded in Document No. 202006023475 of the Official Public Records of Comal County Texas, Prop Id. 1459, North $49^{\circ}55'46''$ West, a distance of 393.46 feet to a point for the East corner of the intersection of South Guenther Avenue and West San Antonio Street, also being the West corner of NCB 4002 and said tract described as Prop Id. 1458;

THENCE with the Northeast line of South Guenther Avenue, crossing West San Antonio Street, (R.O.W. varies at this location) North $49^{\circ}55'46''$ West, a distance of 72.68 feet to a point in the Northwest line of West San Antonio Street and the Southeast line of Lots 4 and 5, NCB 3002, conveyed to Miles and Susan Granzin, recorded in Document No. 200406001675 of the Official Public Records of Comal County Texas, Prop Id. 1047;

THENCE with the Northwest line of West San Antonio Street and the Southeast line of said Granzin tract, South $38^{\circ}57'56''$ West, a distance of 41.25 feet to a point for the North corner of the intersection of West San Antonio Street and a 20' Wide Alley, also being the South Corner of said Granzin tract;

THENCE with the Northeast line of said Alley and the Southwest line of said Granzin tract and the Southwest line of the Patricia B. Wyatt Revocable Trust tract, North $50^{\circ}27'33''$ West, a distance of 373.65 feet to the POINT OF BEGINNING and containing 182.91 acres of land in the City of New Braunfels, Comal County, Texas.



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This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Written August 14, 2021.

Dorothy J. Taylor
Registered Professional Land Surveyor No. 6295

8-24-21



S:\Projects\040 - City of New Braunfels\040.033 - Political Subdivision for Downtown TIRZ Boundary\M&B\TIRZ BOUNDARY M&B.docx

8/12/2024

Agenda Item No. J)

PRESENTER:

Valeria Acevedo, City Attorney

SUBJECT:

Approval of the first reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 54, Sections 54-41 to 54-55, by repealing an ordinance that established a volunteer fire department.

DEPARTMENT: City Attorney's Office

COUNCIL DISTRICTS IMPACTED: N/A

BACKGROUND INFORMATION:

This ordinance is part of an effort by staff to update outdated ordinances. The City once had a volunteer fire department. In 1913, the city hired its first paid firefighters. In 1925, the city hired its first paid fire chief. The New Braunfels Fire Department had volunteer firefighters up until the early 2000's to supplement paid staff at large fire incidents. The volunteer fire department was effectively disbanded around that time because there was no further participation by volunteers.

ISSUE:

This ordinance outlines the regulations for a volunteer fire department that no longer exists and should therefore be repealed.

FISCAL IMPACT:

None.

RECOMMENDATION:

Staff, including the Fire Chief, recommend approval of this ordinance.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REPEALING CODE OF ORDINANCES CHAPTER 54, SECTIONS 54-41 TO 54-55, RELATING TO A VOLUNTEER FIRE DEPARTMENT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels used to have a volunteer fire department that was regulated in accordance with the sections of the Code being repealed, that is found in

WHEREAS, the City of New Braunfels no longer has a volunteer fire department so that this ordinance found in Article II, Division 2, of Chapter 54 of the Code of Ordinances is obsolete and should be repealed; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1. Amendment.

That City of New Braunfels Code of Ordinances, Chapter 54, Article II, Division 2, Sections 54-41 through 54-55 are hereby repealed as indicated below:

DIVISION 2. ~~VOLUNTEER FIRE DEPARTMENT~~ RESERVED.

~~Sec. 54-41. Fire companies authorized; composition.~~

~~Fire companies for volunteer service may be organized in this city by the citizens thereof; provided, that there shall be not less than ten persons and not more than 30 persons in active status, including organizers thereof. They shall be composed of personnel who have volunteered to join the organization and whose application for membership has been accepted and who have complied with all the rules, regulations and orders provided for the conduct and control of the members thereof. The volunteer fire department shall be separate and distinct from the regular fire department of the city, but shall be headed by the fire chief.~~

~~(Code 1961, § 8-18)~~

~~Sec. 54-42. Supervision and command.~~

~~The members of the volunteer force shall be under the authority, supervision, control and command of the fire chief of the city, subject to all of the ordinances of the city and of this division. Members shall be appointed from a list of eligibles compiled as provided in this division.~~

~~(Code 1961, § 8-19)~~

~~Sec. 54-43. Diminishing the force.~~

~~The fire chief may by order decrease or increase the membership of the volunteer fire department as exigency may require, within the limit established in this division.~~

~~(Code 1961, § 8-20)~~

Sec. 54-44. List of eligibles; qualifications; oath.

A list of eligibles shall be compiled accompanied by a complete set of fingerprints or supplemented immediately by fingerprinting by the fire marshal's office, which fingerprints shall be checked by the identification bureau to ascertain any criminal record of such person. The applications shall state the residence of the applicant. Each applicant shall be an actual resident of the city and/or its extraterritorial jurisdiction and shall furnish satisfactory proof of good character and physical ability to perform the duties of the position for which he seeks appointment. The applicant shall furnish three references and attach letters of recommendation from such references to the application. The application shall be on the form prescribed therefor and must be approved by the fire chief. All persons approved as eligibles shall subscribe to an oath that he will observe and obey the Constitution of the United States, the constitution of this state, and laws of this nation, this state and this city, and he will carry out the duties of a member of the volunteer fire department of this city to the best of his ability.

(Code 1961, § 8-21)

State law reference(s)—Extent of extraterritorial jurisdiction, V.T.C.A., Local Government Code § 42.021.

Sec. 54-45. Fire chief to prescribe uniforms and badges.

The fire chief shall prescribe the uniforms and badges for the members of the volunteer fire department and direct the manner in which the same shall be worn. Those persons appointed to the volunteer fire department shall be responsible for purchasing and maintaining, at no expense to the chief, their uniforms and necessary equipment to perform the duties as set forth in this article. Any person other than a member of such force who shall wear such uniform or badge shall be guilty of a misdemeanor.

(Code 1961, § 8-22)

State law reference(s)—Impersonating public servant, V.T.C.A., Penal Code § 37.11.

Sec. 54-46. Firefighter's identification.

An identification card designating a volunteer firefighter and such other insignia or evidence of identity as the fire chief may prescribe shall be issued to each member, who must carry the card and other identification at all times while on duty, and he must surrender them upon the termination of his membership. All identification cards shall expire automatically at midnight on the anniversary date.

(Code 1961, § 8-23)

Sec. 54-47. Remuneration for services.

Members of the volunteer fire department must serve without compensation. Nothing in this section or division shall be construed to authorize or permit a member of the volunteer fire department to become eligible for participation in any pension fund created without prior approval of the fire chief pursuant to established city standards.

(Code 1961, § 8-24)

Sec. 54-48. Duties.

The duties of the volunteer fire department, subject at all times to the direction, supervision and control of the fire chief, shall be to assist the regular members of the fire department of this city in the enforcement of suppression, prevention, and emergency medical service during periods of time deemed necessary by the fire chief. The chief may by order establish rules and regulations to govern the volunteer fire department, to fix the

specific duties of its members, and to provide for the maintenance of discipline. The chief may change such orders from time to time, and he may command members of the volunteer fire department to obey the instructions of regular firefighters in carrying out their duties. The chief may prescribe other duties than those mentioned in this section to be performed by the volunteer fire department force, not inconsistent with the provisions of this division.

(Code 1961, § 8-25)

Sec. 54-49. Entry into private property.

No member of the volunteer fire department shall break into or otherwise forcefully enter upon any private property, dwelling or habitation of another person without the consent of the owner or occupant, except when immediately accompanied by a regular member of the fire department of this city who then and there requests his aid in the act of an emergency.

(Code 1961, § 8-26)

Sec. 54-50. Removal from membership and resignation.

The membership of any person in the volunteer fire department may be terminated by the fire chief at any time for any cause deemed sufficient by the fire chief. Any member may also resign from the volunteer department at any time, but it shall be the duty of such member to notify the chief of his resignation.

(Code 1961, § 8-27)

Sec. 54-51. Summary dismissal of members.

In addition to the penalties provided by law, any violation of law under color of the performance of a person's duties as a member of the volunteer fire department, and any breach of the rules and regulations established by the fire chief, shall subject any member to summary dismissal.

(Code 1961, § 8-28)

Sec. 54-52. False impersonation.

It shall be a misdemeanor offense for any person to wear, carry or display a volunteer fire department identification card or otherwise deceitfully represent himself to be connected with the volunteer fire department unless he is in fact a member thereof in good standing.

(Code 1961, § 8-29)

State law reference(s)—Impersonating public servant, V.T.C.A., Penal Code § 37.11.

Sec. 54-53. Organization of fire companies.

(a) Each company organized as authorized in section 54-41 has the right to elect its own members and officers under such rules, regulations and bylaws as it may prescribe and adopt. All other firefighting officers shall be appointed by the fire chief.

(b) Each company organized as authorized in section 54-41 shall have power and is authorized to adopt its own constitution and bylaws, not inconsistent with the provisions of the ordinances and the Charter of the city and approved by the fire chief.

(Code 1961, § 8-30)

~~Sec. 54-54. Fire chief commissions officers; city ordinances control.~~

~~All officers selected as provided in section 54-53 shall be commissioned by the fire chief of the city, and such companies, their officers and members shall observe and be governed by the ordinances of the city relating to the fire department.~~

~~(Code 1961, § 8-31)~~

~~Sec. 54-55. Ex officio members.~~

~~The mayor shall be an ex officio member of the volunteer fire department. The powers of the mayor shall be such as are prescribed by the Charter and the rules and regulations adopted by the volunteer fire department, as organized and established.~~

~~(Code 1961, § 8-32)~~

Secs. 54-41—54-65. Reserved.

SECTION 2: Repealer.

All provisions of the New Braunfels Code of Ordinances, or other ordinances, whether codified or uncodified, in conflict with the provisions of this ordinance are hereby repealed, and all other provisions of the Code of Ordinances or other ordinances, codified or uncodified, not in conflict with the provisions of the ordinance shall remain in full force and effect.

SECTION 3: Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence or section of this ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence paragraph or section of this ordinance.

SECTION 4: Savings Clause.

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

SECTION 5: Effective Date.

This ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this _____ day of _____, 2024.

PASSED AND APPROVED: Second reading this _____ day of _____, 2024.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

8/12/2024

Agenda Item No. K)

PRESENTER:

Christopher J. Looney, AICP, Planning and Development Services Director

SUBJECT:

Approval of the second and final reading of an ordinance to rezone approximately 0.21 of an acre out of the Highland Park Addition Subdivision Block 14, Lot 9, from C-3 (Commercial District) to C-3 SUP (Commercial District with a Special Use Permit for Short-Term Rental), currently addressed at 1622 Cross Street

DEPARTMENT: Planning and Development Services

COUNCIL DISTRICTS IMPACTED: 1

BACKGROUND INFORMATION:

Case No: SUP24-170
Applicant/Owner: Aaron Roggensack
130 Auburn Street
Kyle, TX, 78640
(512) 739-3802 | aaronroggensack@gmail.com
Staff Contact: Dana Moses
(830) 221-4054 | dmoses@newbraunfels.gov

The City Council held a public hearing on July 22, 2024, and unanimously approved the first reading of the applicant’s requested rezoning ordinance (6-0-0).

The subject property is approximately 0.21 of an acre (9,050 square feet) situated on the north side of Cross Street, approximately 108 feet southwest of the intersection of Cross Street and South Live Oak Avenue, just a block south of West San Antonio Street. This rezoning application is proposed to allow the short-term rental (STR) of the existing home, which is roughly 1,185 square feet. Built in the 1920s, it has 2 bedrooms and 1 bathroom which limits the maximum STR occupancy to 5 occupants, and the minimum off-street parking is 2 paved spaces.

Surrounding Zoning and Land Use:

North	C-3	Single-Family Residence
South	R-1 A-6.6	Single-Family Residence
East	C-3	Single-Family Residence
West	C-3	Single-Family Residence

ISSUE:

The proposed rezoning to apply the Special Use Permit is consistent with the following actions from Envision New Braunfels:

- **Action 1.3:** Encourage balanced and fiscally responsible land-use patterns.
- **Action 1.14:** Ensure regulations do not unintentionally inhibit the provisions of a variety of flexible and innovative lodging options and attractions.

Future Land Use Plan: The subject property is located within the New Braunfels sub-area and near Existing Civic, Market, and Outdoor Recreation Centers, as well as a Future Market Center.

Short-term rental standards in the Zoning Ordinance help to ensure proper measures are in place to protect public health, safety, and neighboring properties. If this rezoning request is approved, the registration of the short-term rental and online payment of hotel occupancy taxes are required. Also, the project must comply with all other City Code standards.

There are currently 5 approved short-term rental SUPs within one-half mile of the subject property, 3 of which are active.

STRATEGIC PLAN REFERENCE:

Economic Mobility Enhanced Connectivity Community Identity
Organizational Excellence Community Well-Being N/A

- Incentivize mixed-use developments and redevelopments in targeted locations to create a built environment with integrated housing, commercial centers, and opportunities for improved connectivity.
- In partnership with the New Braunfels Economic Development Corporation (NBEDC) and New Braunfels Utilities, develop a cohesive framework for economic development incentives that encourage a built environment that results in enhanced walkability, mixed housing types, and the co-location of commercial and residential uses.

FISCAL IMPACT:

If approved, the property will be subject to local and state hotel occupancy tax (HOT).

RECOMMENDATION:

The site is already zoned Commercial and is only one block removed from a major arterial which limits associated commercial traffic from meandering too far within a residential neighborhood. Therefore, staff recommends approval with the following conditions:

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan and floor plan. Any significant changes to the site plan or floor plan will require a revision to the SUP.

Mailed notification as required by state statute:

Public hearing notices were sent to owners of 22 properties within 200 feet of the request. To date, the city has received 3 responses in favor and 1 in opposition.

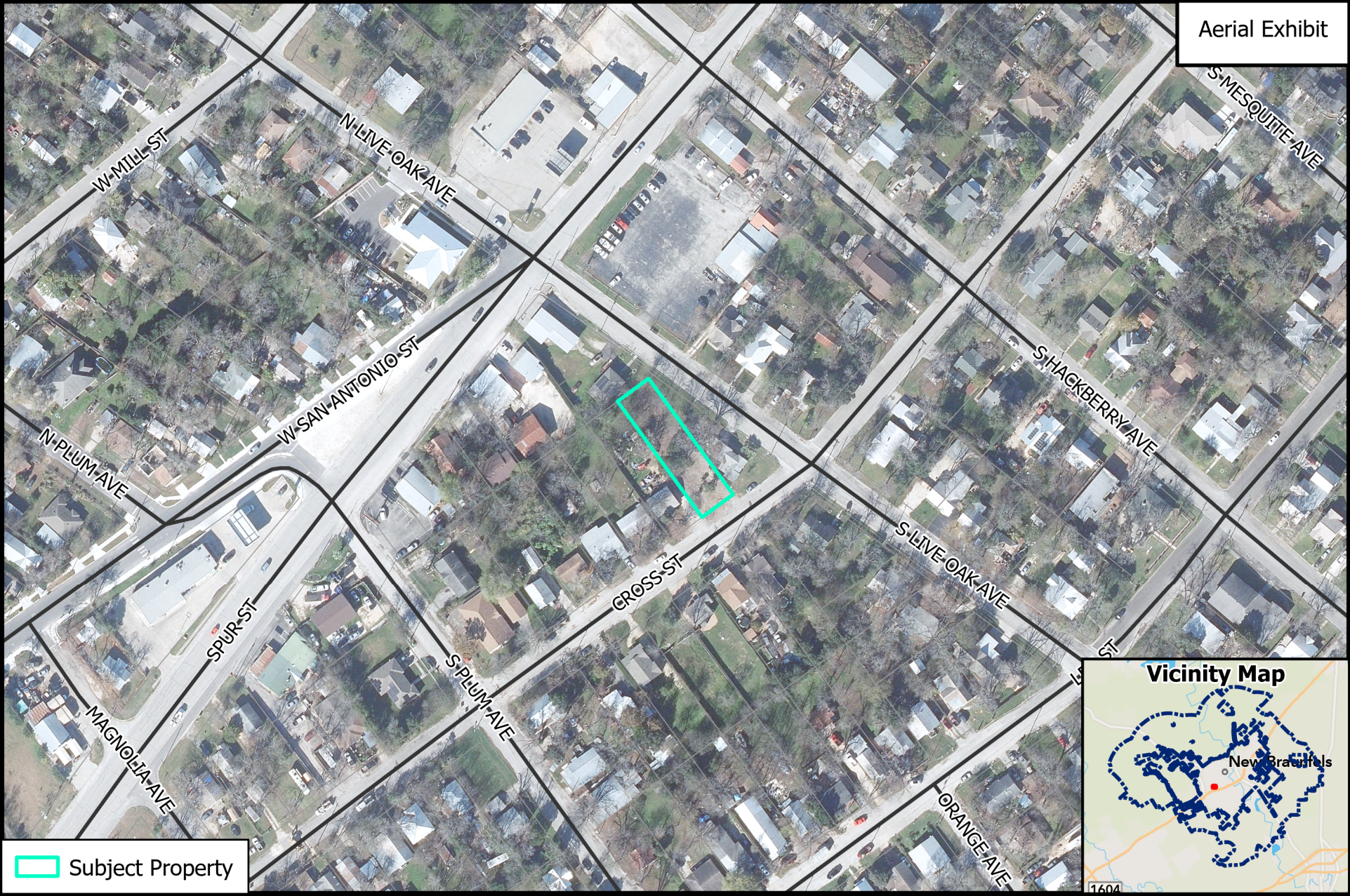
The Planning Commission held a public hearing on July 2, 2024, and unanimously recommended approval (7-0-0).


Resource Links:

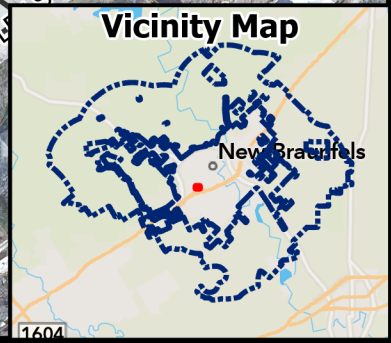
- Chapter 144, Sec. 3.3-9 (C-3) of the City’s Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 5.17 (Short-term Rental) of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

Aerial Exhibit



 Subject Property



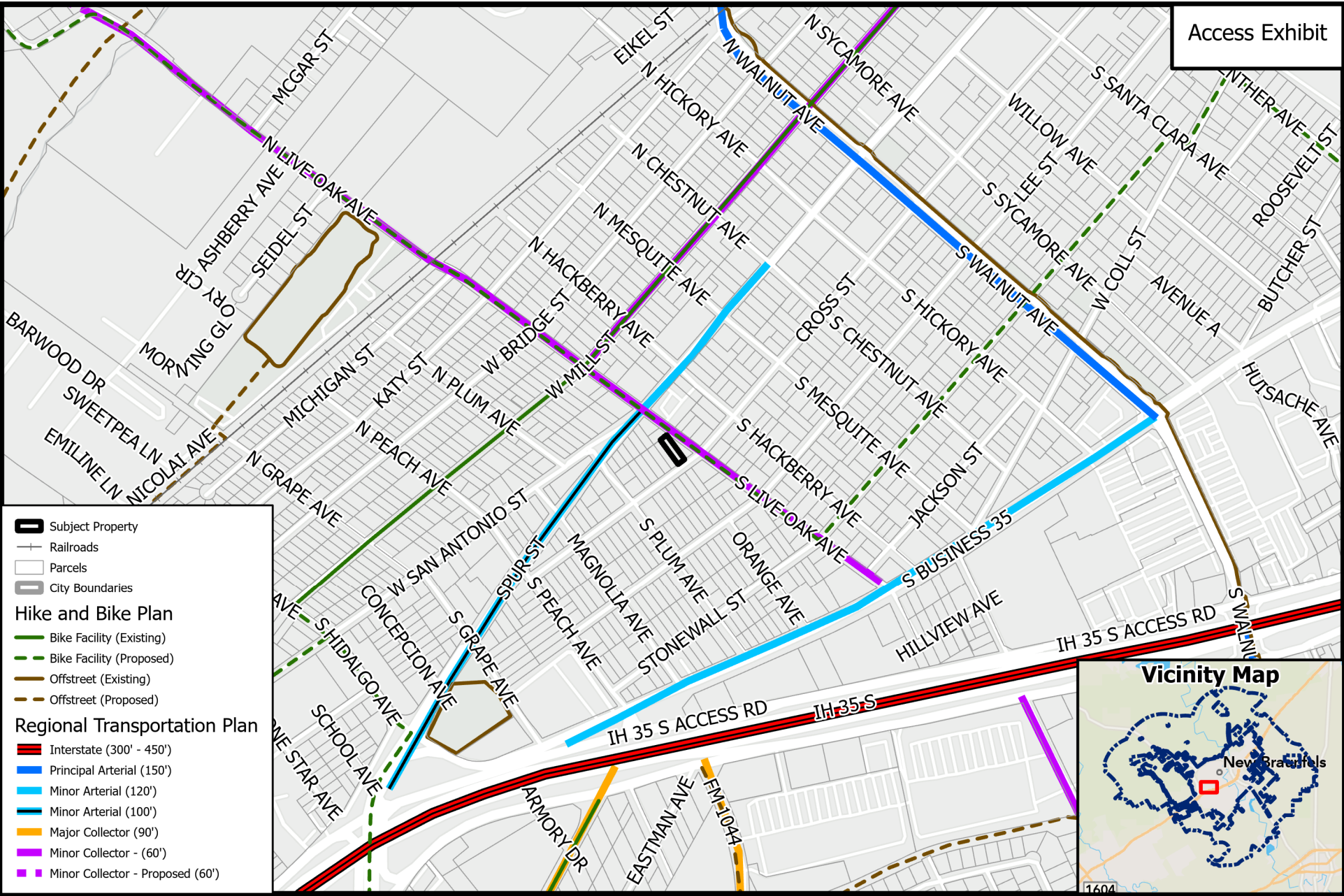
SUP24-170
1622 Cross St - SUP for STR



Path: A:\ZoneChange & SUPs\2024\SUP24-170 - 1622 Cross St - SUP for

Source: City of New Braunfels Planning
Date: 6/10/2024

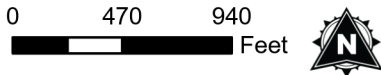
DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by else is at that party's risk and without liability to the City of New Braun officials or employees for any discrepancies, errors, or variances which may

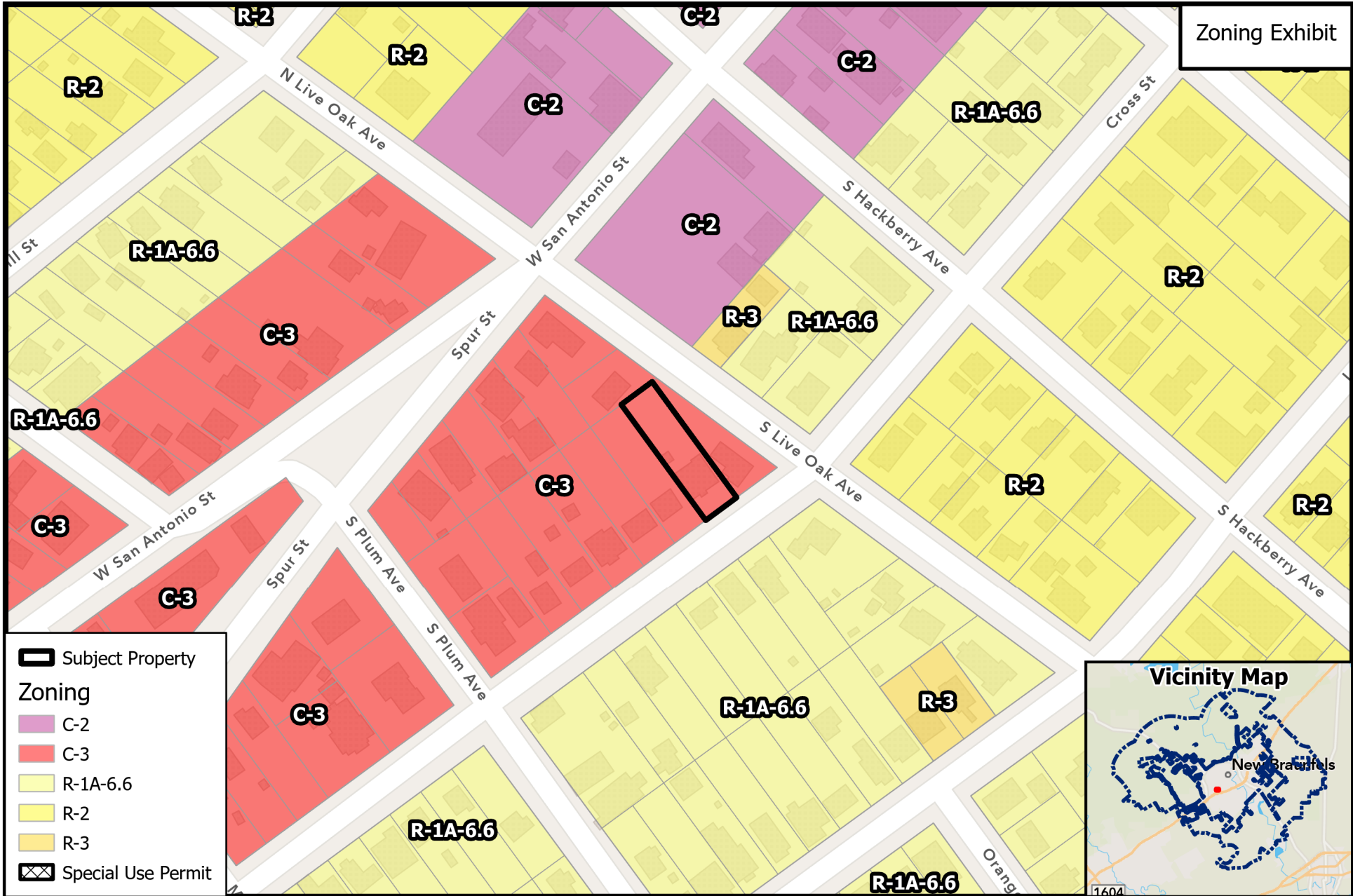


- Subject Property
- Railroads
- Parcels
- City Boundaries
- Hike and Bike Plan**
 - Bike Facility (Existing)
 - Bike Facility (Proposed)
 - Offstreet (Existing)
 - Offstreet (Proposed)
- Regional Transportation Plan**
 - Interstate (300' - 450')
 - Principal Arterial (150')
 - Minor Arterial (120')
 - Minor Arterial (100')
 - Major Collector (90')
 - Minor Collector - (60')
 - Minor Collector - Proposed (60')

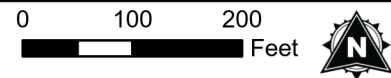


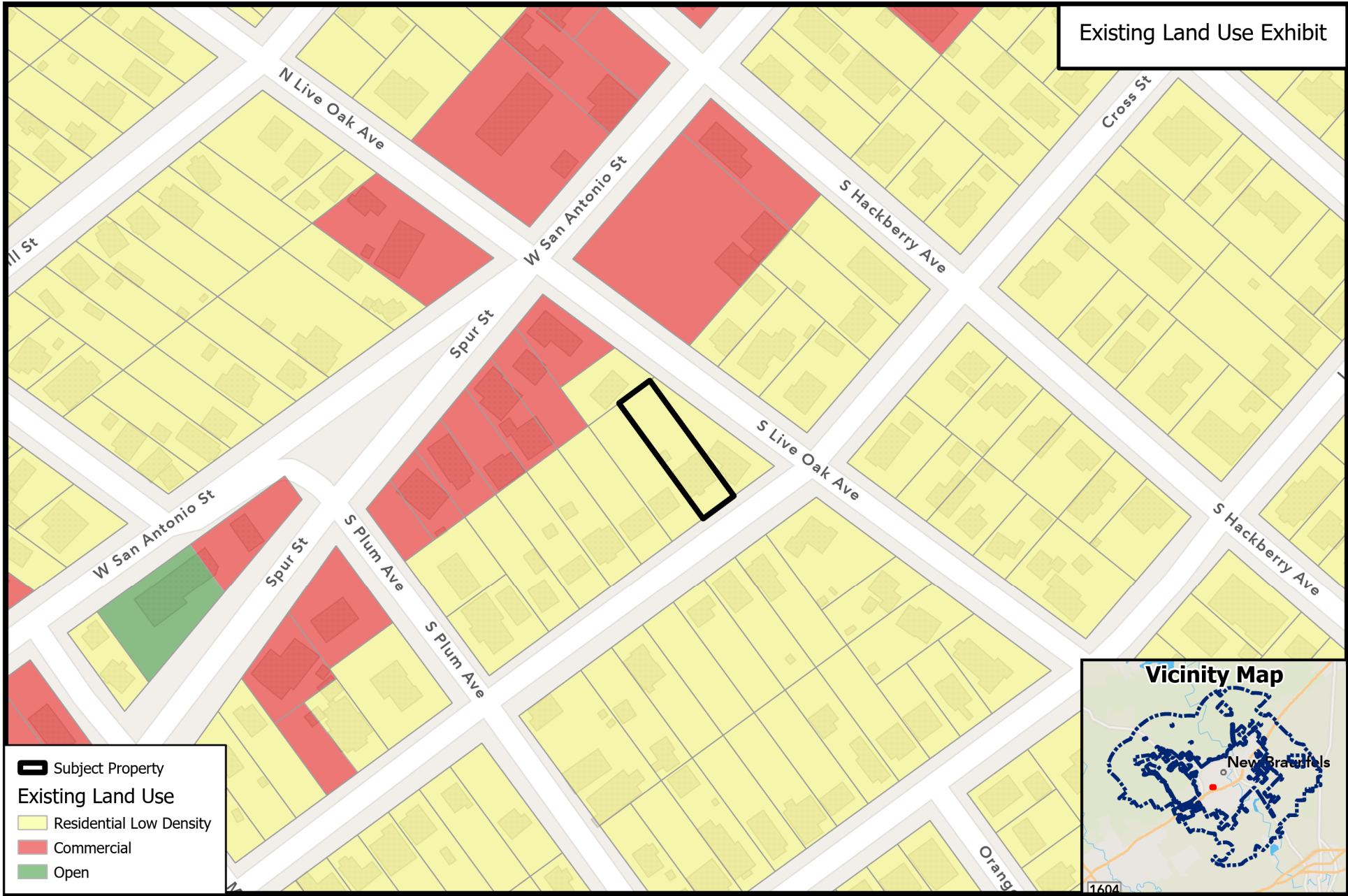
SUP24-170
1622 Cross St - SUP for STR









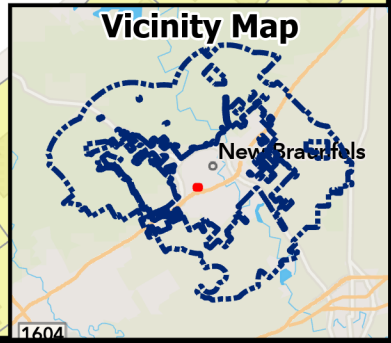
SUP24-170
1622 Cross St - SUP for STR





Existing Land Use Exhibit

-  Subject Property
- Existing Land Use**
-  Residential Low Density
-  Commercial
-  Open



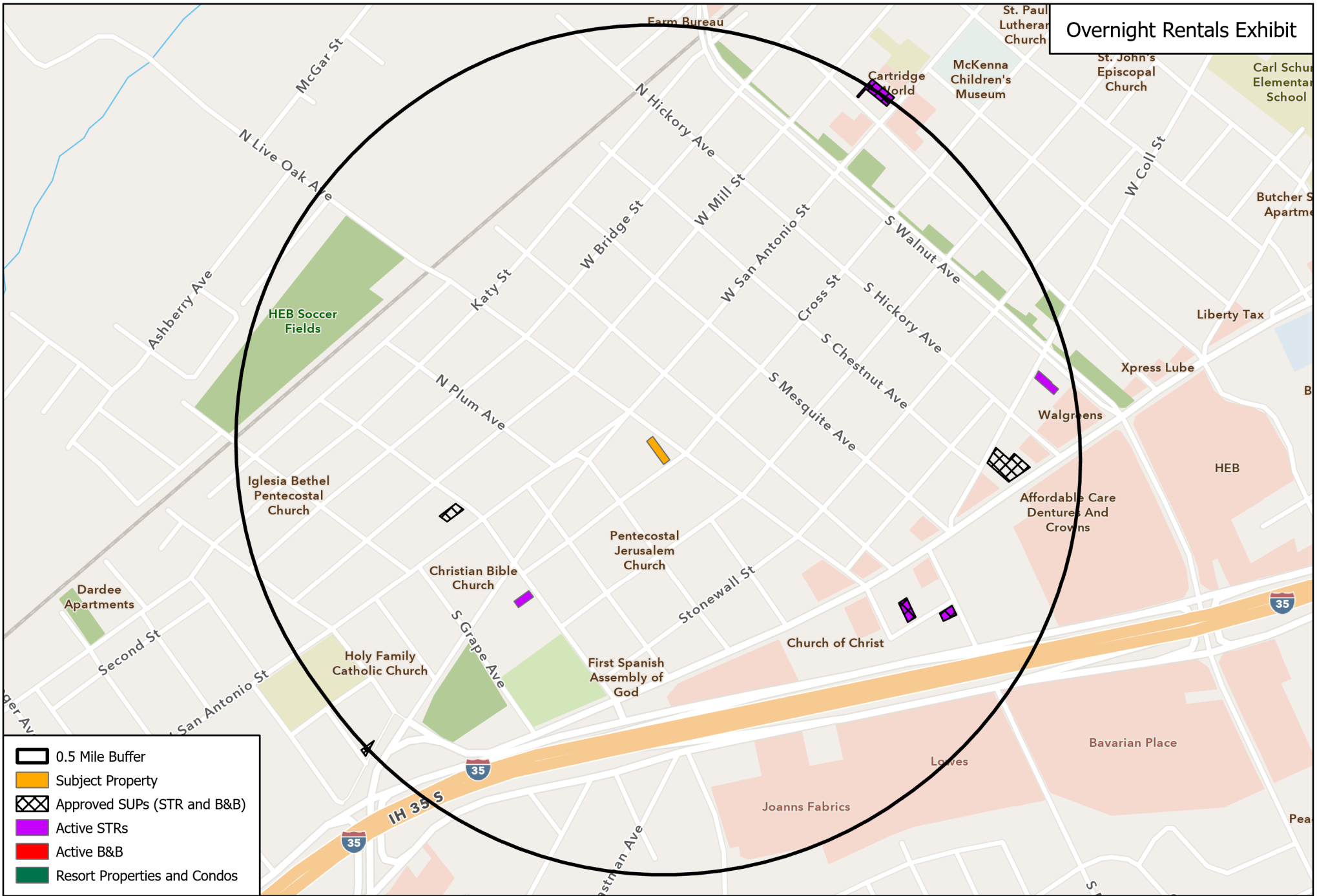
SUP24-170
1622 Cross St - SUP for STR



Path: A:\ZoneChange & SUPs\2024\SUP24-170 - 1622 Cross St - SUP for

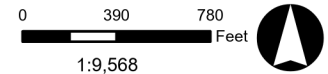
Source: City of New Braunfels Planning
 Date: 6/10/2024

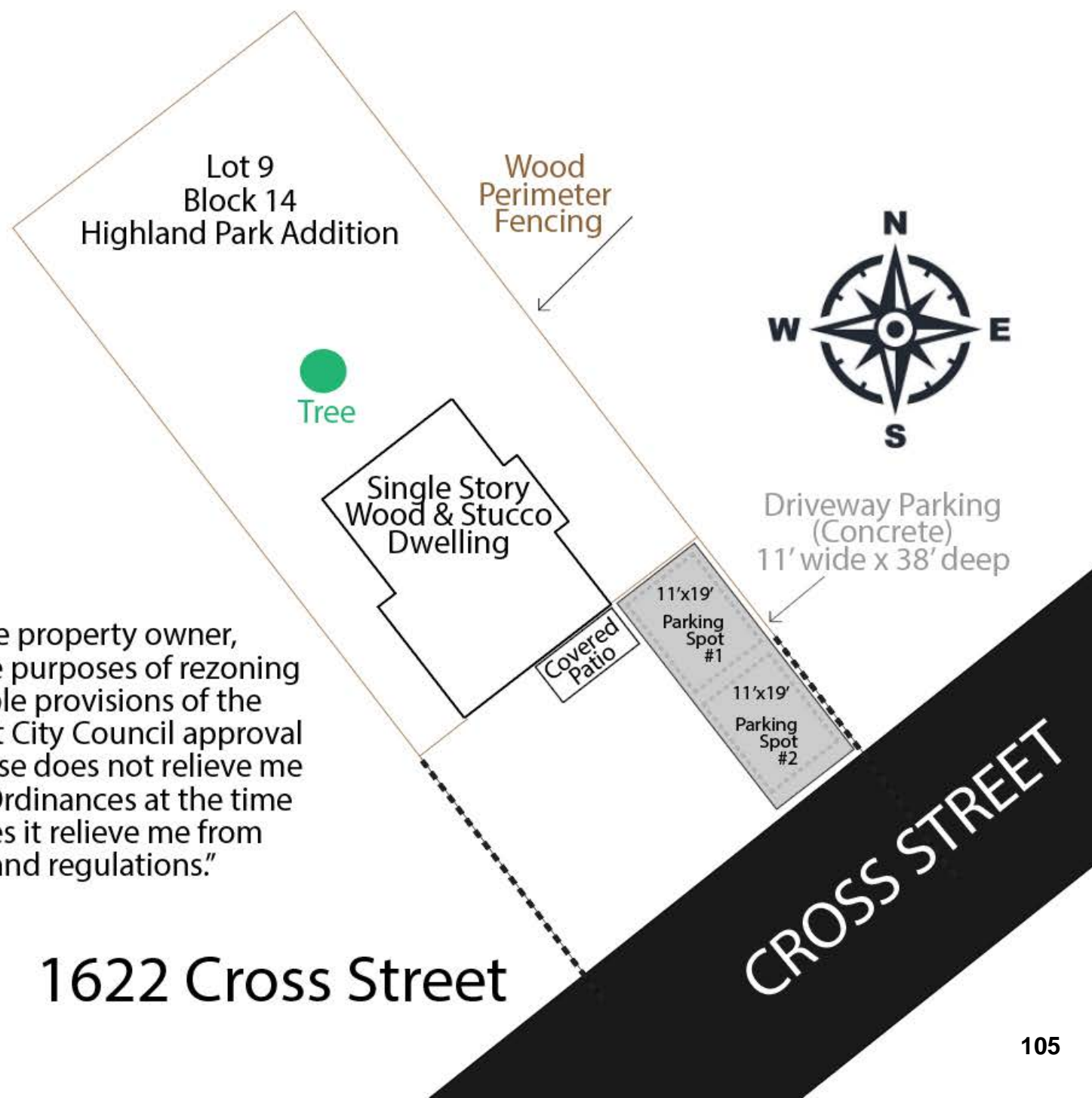
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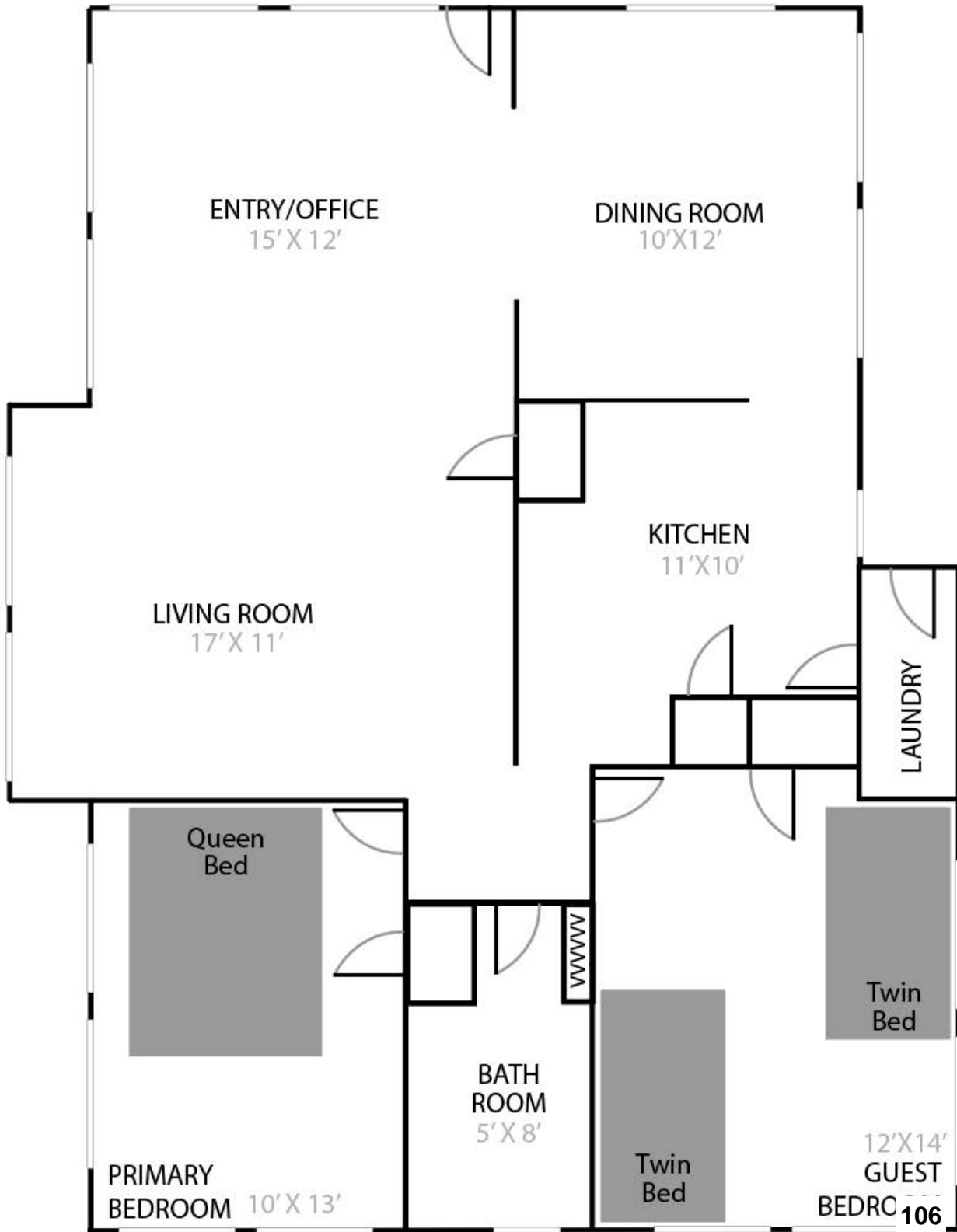
- 0.5 Mile Buffer
- Subject Property
- Approved SUPs (STR and B&B)
- Active STRs
- Active B&B
- Resort Properties and Condos

SUP24-170
1622 Cross St - SUP for STR



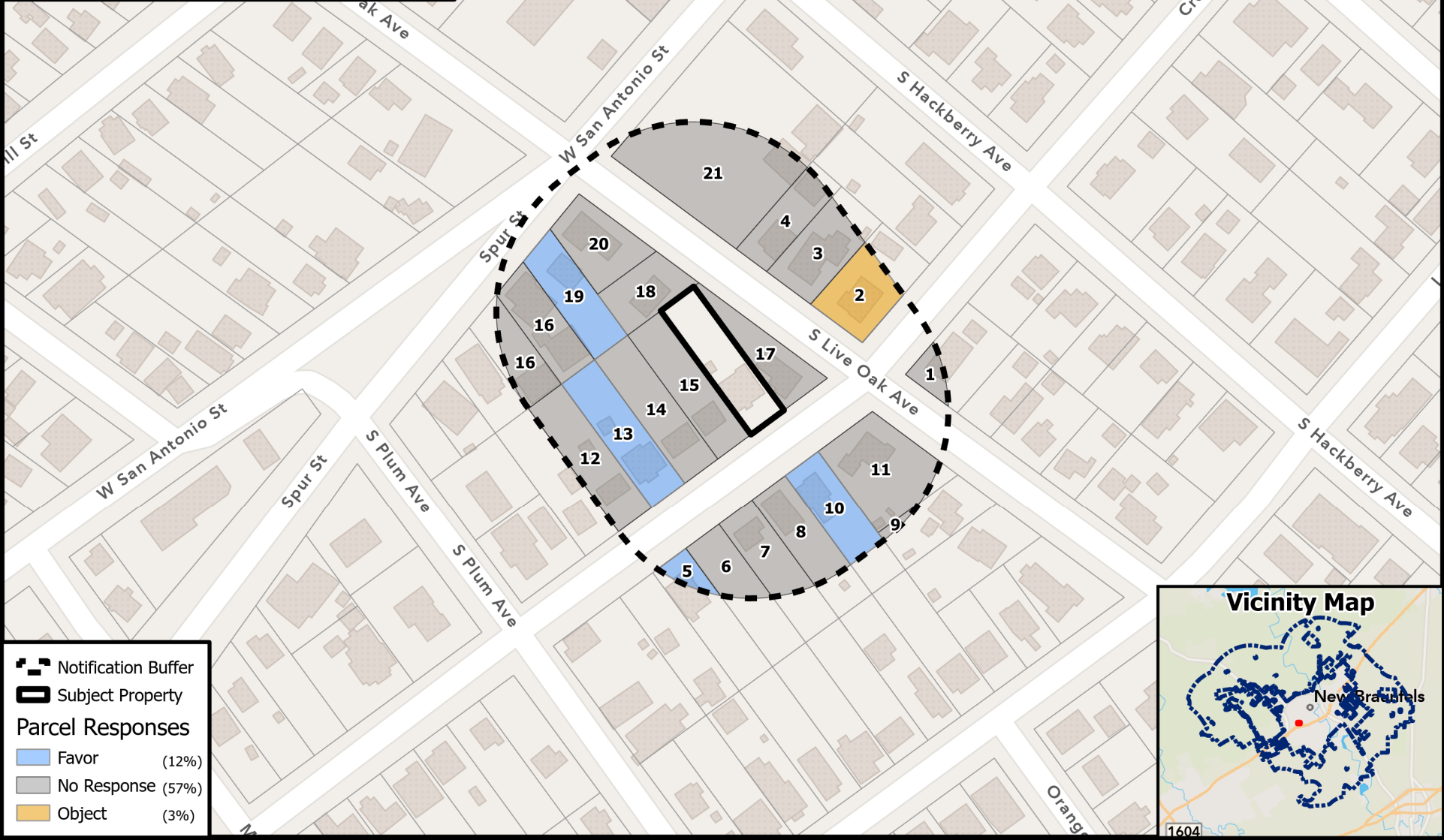


"I, Aaron Roggensack of Casa Rosada LLC, the property owner, acknowledge that this site plan submitted for the purposes of rezoning this property is in accordance with all applicable provisions of the Zoning Ordinance. Additionally, I understand that City Council approval of this site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes/Ordinances at the time of plan submittal for building permits. Nor does it relieve me from adherence to any/all state or federal rules and regulations."





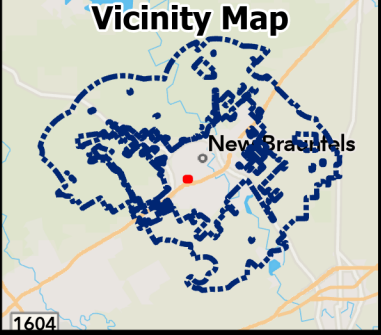
1 Property Owner - Refer to Property Number on Postcard. Numbers may shift due to real estate transactions from the initial notification.



Notification Buffer
Subject Property

Parcel Responses

- Favor (12%)
- No Response (57%)
- Object (3%)



SUP24-170
1622 Cross St - SUP for STR



PLANNING COMMISSION – Tuesday, July 2, 2024 – 6:00PM

City Hall Council Chambers

Applicant: Aaron Roggensack

Address/Location: 1622 CROSS ST

PROPOSED SUP – CASE # SUP24-170

The numbers on the map correspond to the property owners listed below. All information is from the Appraisal District Records. The property under consideration is marked as “Subject Property”.

- | | | | |
|----|--|----|-------------------------|
| 1 | TRCKA KELLEY | 12 | ALVARADO CYNTHIA A |
| 2 | RIVAS ROSALINDA R | 13 | VALADEZ FAMILY TRUST |
| 3 | FRANKLIN SUZANNE J | 14 | ROBINSON RODGER R ET AL |
| 4 | PORTALES HECTOR D | 15 | GUERRERO JOSIE G |
| 5 | PARISH-KAMINSKI PATTI & TIMOTHY W KAMINSKI | 16 | BARBOZA NICANOR NICK |
| 6 | BREGAF LLC | 17 | MEZA ALI M |
| 7 | PROPERTY OWNER | 18 | OZIMA & GALEN LLC |
| 8 | PADRON INOCENCIO & MARICELA | 19 | DELEON ELVA BARBOZA |
| 9 | MARTINEZ MARIA | 20 | SANDAHL INVESTMENTS LLC |
| 10 | WALLACE JUSTIN & CANDY | 21 | GRIER KIM N & DEBBIE K |
| 11 | BOLANOS HECTOR Q & DIANA P | | |

SEE MAP

PARISH-KAMINSKI PATTI & TIMOTHY W KAMINSK

1667 CROSS ST

NEW BRAUNFELS TX 78130

Property #: 5

SUP24-170

Case Manager: DM

FAVOR

OPPOSE

COMMENTS

[Faint, illegible text in the comments section]

WALLACE JUSTIN & CANDY

2802 VALLEY MANOR DR

KINGWOOD TX 77339

Property #: 10

SUP24-170

Case Manager: DM

COMMENTS

FAVOR



OPPOSE



New Braunfels

VALADEZ FAMILY TRUST

1656 CROSS ST

NEW BRAUNFELS TX 78130

Property #: 13

SUP24-170

Case Manager: DM

FAVOR

OPPOSE

COMMENTS

DELEON ELVA BARBOZA
2656 BECKER ST
NEW BRAUNFELS TX 78130

Property #: 19

SUP24-170

Case Manager: DM

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COMMENTS

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FAVOR

OPPOSE

RIVAS ROSALINDA R
195 S LIVE OAK AVE
NEW BRAUNFELS TX 78130

Property #: 2

SUP24-170

Case Manager: DM



COMMENTS



FAVOR

OPPOSE

Draft Minutes for the July 2, 2024, Planning Commission Regular Meeting

B) SUP24-170 Public hearing and recommendation to City Council to rezone approximately 0.21 acres out of the Highland Park Addition Subdivision Block 14, Lot 9, from C-3 (Commercial District) to C-3 SUP (Commercial District with a Special Use Permit for Short-Term Rental of a Residence), currently addressed at 1622 Cross St. (Applicant: Aaron Roggensack; Owner: Casa Rosada LLC; Case Manager: Dana Moses, Planner)

Amanda Mushinski, CNU-A presented the above-mentioned item and recommended approval with the conditions stated in the staff report.

Chair Sonier asked if there were any questions for staff.

No one spoke.

Chair Sonier invited the applicant to speak.

Aaron Roggensack elaborated on the request.

Chair Sonier opened the public hearing.

No one spoke.

Chair Sonier closed the public hearing.

Chair Sonier asked if there was any further discussion or motion.

Motion by Commissioner Allen, seconded by Vice-Chair Nolte to recommend approval of the item to City Council. Motion carried unanimously (7-0-0).

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 0.21 ACRES, BEING OUT OF THE HIGHLAND PARK ADDITION SUBDIVISION, BLOCK 14, LOT 9, CURRENTLY ADDRESSED AT 1622 CROSS ST, FROM C-3 (COMMERCIAL DISTRICT) TO C-3 SUP (COMMERCIAL DISTRICT WITH A SPECIAL USE PERMIT FOR SHORT-TERM RENTAL OF A RESIDENCE); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of a Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City recognizes that granting such a permit is possible while promoting the health, safety and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

WHEREAS, it is the intent of the City to ensure for the health, safety and general welfare of the public by providing compatible and orderly development, which may be suitable only in certain locations in a zoning district through the implementation of a Special Use Permit meeting those requirements cited in Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances; and

WHEREAS, the property is located in an area suitable for short term rental use; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City's Comprehensive Plan; and

WHEREAS, the City Council desires to grant a Special Use Permit at 1622 Cross St, to allow short term rental of a residence in the C-3 (Commercial District); **now, therefore;**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by adding the following tract of land as a "Special Use Permit" for the uses and conditions herein described:

Being out of the Highland Park Addition Subdivision, Block 14, Lot 9, being as delineated on Exhibit "A" and depicted on Exhibit "B" attached.

SECTION 2

THAT the Special Use Permit be subject to the following additional restrictions:

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan Exhibit “C” and floor plan Exhibit “D”. Any significant changes to the site plan or floor plan will require a revision to the SUP.

SECTION 3

THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 4

THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 5

THIS ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 22nd day of July 2024.

PASSED AND APPROVED: Second reading this 12th day of August 2024.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "B"

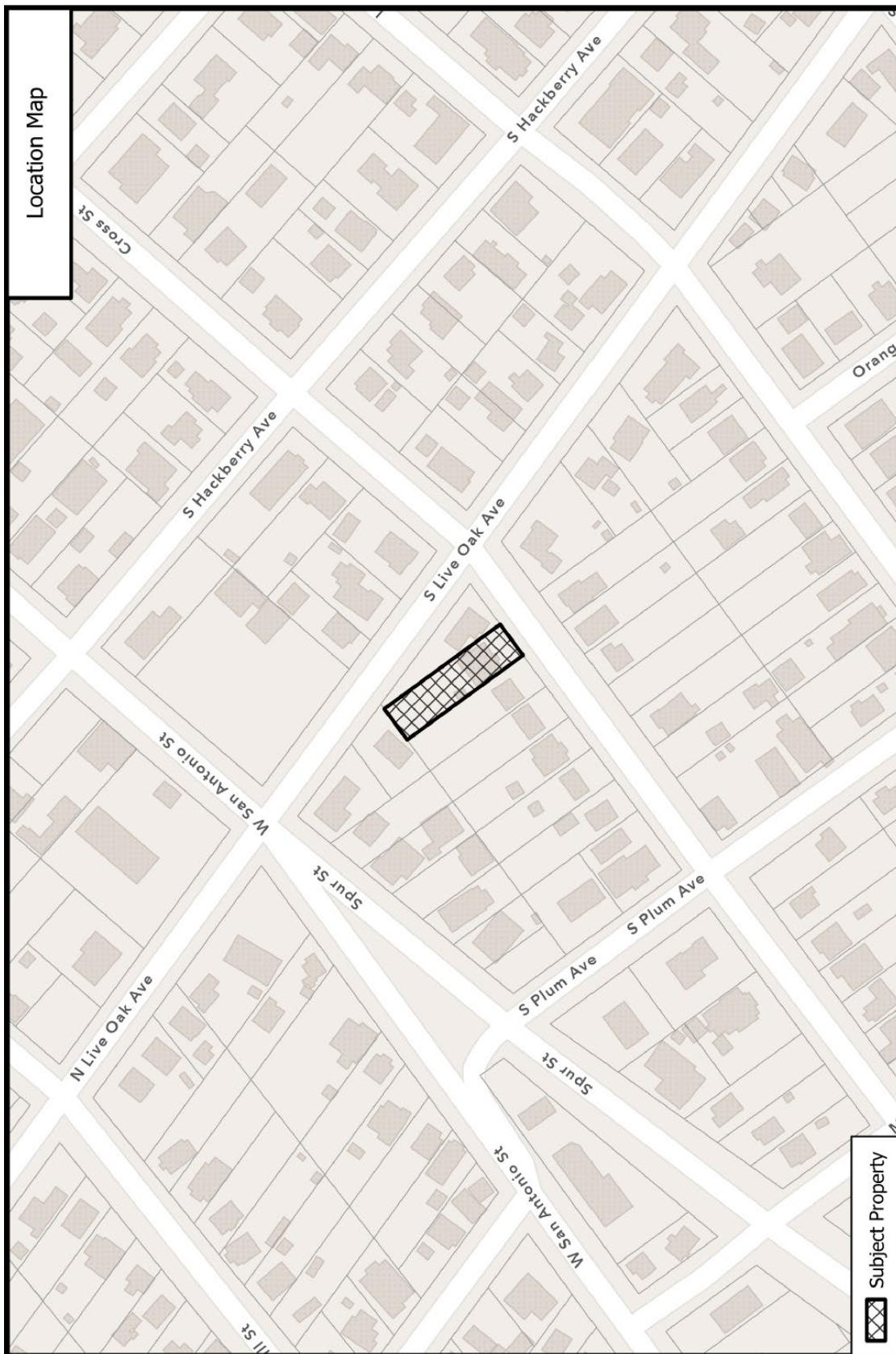
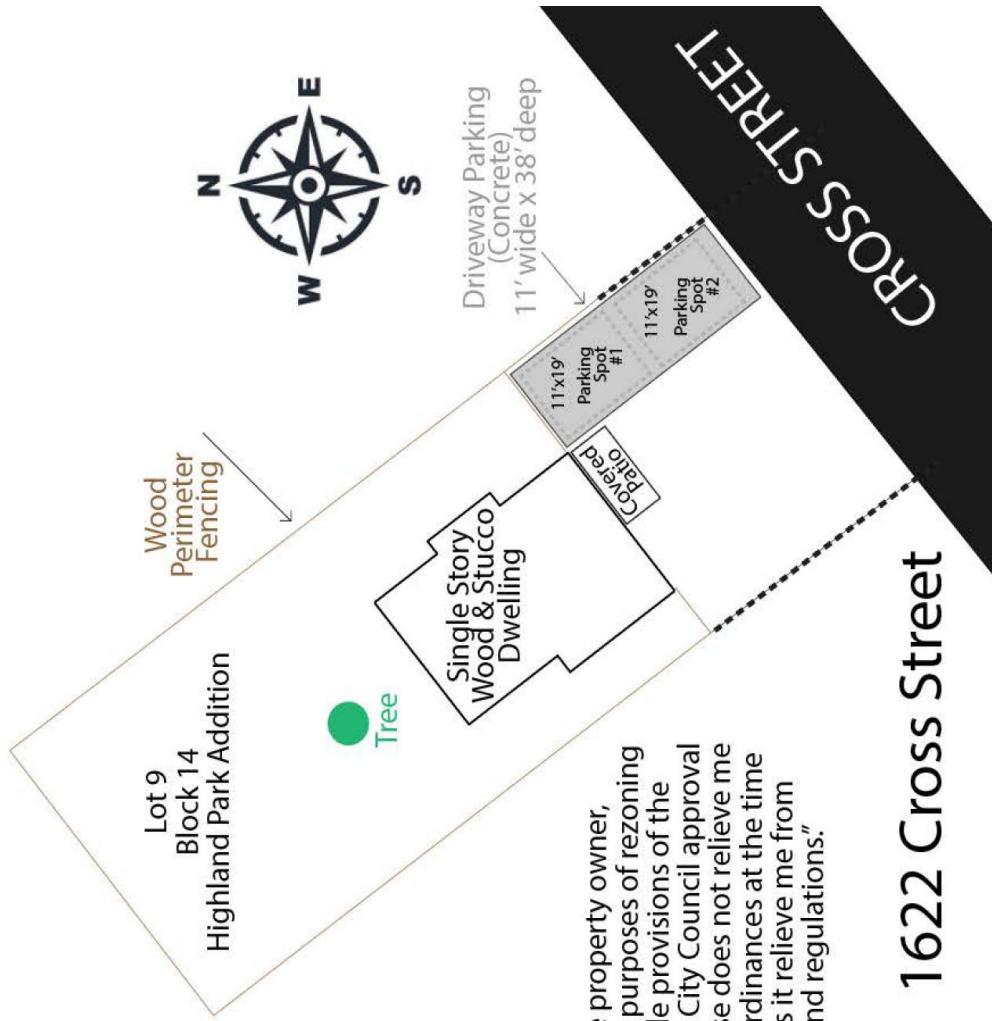


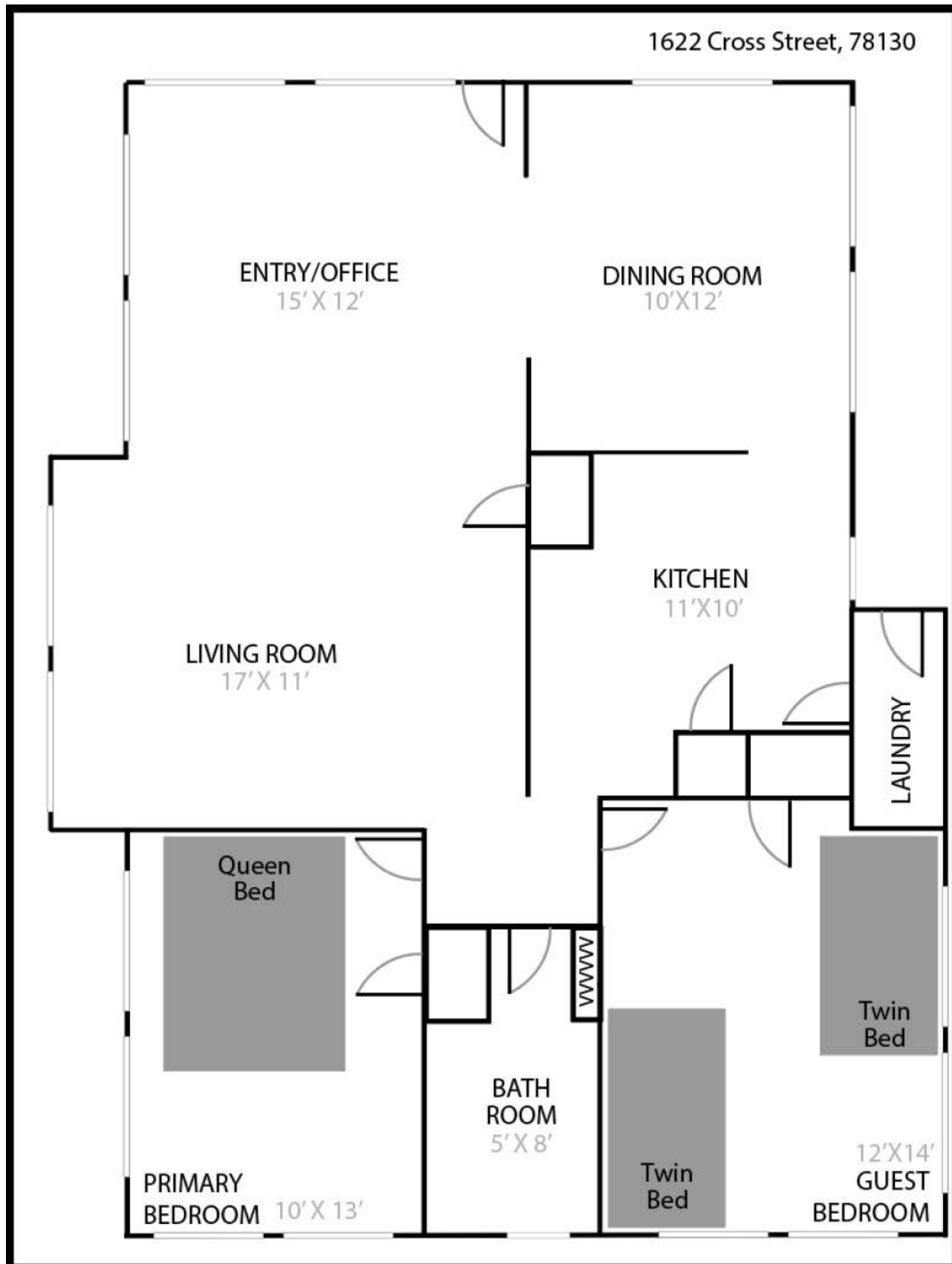
EXHIBIT "C"



"I, Aaron Roggensack of Casa Rosada LLC, the property owner, acknowledge that this site plan submitted for the purposes of rezoning this property is in accordance with all applicable provisions of the Zoning Ordinance. Additionally, I understand that City Council approval of this site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes/Ordinances at the time of plan submittal for building permits. Nor does it relieve me from adherence to any/all state or federal rules and regulations."

EXHIBIT "D"

1622 Cross Street, 78130



8/12/2024

Agenda Item No. L)

PRESENTER:

Valeria Acevedo, City Attorney

SUBJECT:

Approval of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 1, Section 1-12, to update the official map reflecting the city's current boundaries and designating that a copy be kept by the Offices of the City Secretary and City Engineer, and other city offices authorized by the City Manager.

DEPARTMENT: City Attorney's Office**COUNCIL DISTRICTS IMPACTED:** All districts**BACKGROUND INFORMATION:**

CITY COUNCIL APPROVED THE FIRST READING OF THIS ORDINANCE ON JULY 22, 2024.

This ordinance is part of an effort by staff to update outdated ordinances. This current ordinance needs to be updated to comply with state law, Local Government Code, Ch. 41, "Map of Municipal, Boundaries and Extraterritorial Jurisdiction". Input was received from the Planning and Development Services Dept. Directory, the GIS Manager, and the City Secretary's Office. State law requires cities maintain current maps showing the city's boundaries and extraterritorial jurisdiction. The law also requires that copies be kept, at a minimum, in the offices of the City Secretary and City Engineer. The City of New Braunfels currently also maintains copies in the GIS Division of the IT Dept. and Planning and Community Development Dept. If state law is amended in the future, the ordinance is written to also be amended in order to remain compliant with state law on city boundary maps.

ISSUE:

The current ordinance needs to be updated to reflect the most current map identifying the city's boundaries and extraterritorial jurisdiction.

FISCAL IMPACT:

None.

RECOMMENDATION:

Staff recommends approval of this ordinance.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS AMENDING SECTION 1-12-OFFICIAL CITY MAPS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels has an official map that has been amended over several years; and

WHEREAS, the current ordinance is outdated and lists past maps that are of historical importance but do not reflect the city's current boundaries as required by state law, Local Government Code, Chapter 41; and

WHEREAS, state law requires the copies be provided to the public free of charge and that a copy of the adopted map be kept, at a minimum, in the following places: City Secretary's Office, the Office of the City Engineer, if one is designated, as well as on the city's website; and

WHEREAS, the current maps are also currently maintained by the City's GIS Division of the IT Department and the Planning and Community Development Department; and

WHEREAS, this ordinance needs to be updated to reflect the current official city map and boundaries that is being maintained in accordance with Texas Local Government Code, Chapter 41.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1. Amendment.

That City of New Braunfels Code of Ordinances, Section 1-12 is hereby amended as follows with underlined font indicating added language and strikethrough font indicating deleted language:

Sec. 1-12. Official city maps.

- (a) *Present Official City map.* The City Secretary's Office, Office of the City Engineer, and other city offices as authorized by the city manager shall maintain the official map of its boundaries in accordance with Chapter 41 of the Texas Local Government Code as now or hereafter amended. ~~The 1993 edition, and any subsequent update or revision resulting from annexation or disannexation, of the Map of the City of New Braunfels is hereby adopted as the official map of the city and is incorporated by reference as a part of the Code of Ordinances of the City of New Braunfels as fully as though set out in this Code. One copy of the most recent edition of the official city map is filed in the office of the city secretary, one copy of the official city map, with zoning displayed, is filed in the planning office, and additional copies or revisions of such maps shall be available in the office of the city engineer.~~
- (b) *Former maps.* The original plan and survey designated as the Map of New Braunfels, Comal County, Texas, resurveyed by J.J. Groos in 1860; the map or plat prepared by Albert Marbach, city engineer, dated June 6, 1915, dividing the city into blocks; the 1958 revised map compiled and drawn by R.S. Jahn, city engineer; the 1973 edition of the map of the city, and all other official maps or plats heretofore recognized by the city shall remain in full force and effect except where changed by the official map adopted and incorporated by reference in subsection (a) of this section.

(Code 1961, § 2-2; Ord. No. 94-1, 1-10-94)

SECTION 2: Repealer.

All provisions of the New Braunfels Code of Ordinances, or other ordinances, whether codified or uncodified, in conflict with the provisions of this ordinance are hereby repealed, and all other provisions of the Code of Ordinances or other ordinances, codified or uncodified, not in conflict with the provisions of the ordinance shall remain in full force and effect.

SECTION 3: Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence or section of this ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence paragraph or section of this ordinance.

SECTION 4: Savings Clause.

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

SECTION 5: Effective Date.

This ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 22nd day of July, 2024.

PASSED AND APPROVED: Second reading this _____ day of August, 2024.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

8/12/2024

Agenda Item No. M)

PRESENTER:

Valeria Acevedo, City Attorney

SUBJECT:

Approval of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 2, Section 2-127, repealing an ordinance establishing a \$50.00 reward for tips leading to the arrest and conviction of persons who damage city property.

DEPARTMENT: City Attorney's Office

COUNCIL DISTRICTS IMPACTED: All districts

BACKGROUND INFORMATION:

CITY COUNCIL APPROVED THE FIRST READING OF THIS ORDINANCE ON JULY 22, 2024.

This ordinance is part of an effort by staff to update outdated ordinances. With the creation of the Comal County Crime Stoppers Program in 1986, this ordinance is not effective or necessary. This tip ordinance was first adopted about 95 years ago, on March 11, 1929, with the goal of encouraging tips that would lead to the arrest of those responsible for vandalism of city property.

ISSUE:

This ordinance is no longer used by the City and should be repealed. The Police Department participates in the Comal County Crime Stoppers Program as needed.

FISCAL IMPACT:

None.

RECOMMENDATION:

Staff, including the Police Chief, recommend approval of this ordinance.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REPEALING CODE OF ORDINANCES CHAPTER 2-127, RELATING TO A \$50.00 REWARD FOR TIPS LEADING TO ARREST AND CONVICTION OF PERSONS DEFACING CITY PROPERTY; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels adopted a \$50.00 reward for tips leading to the arrest and conviction of those who deface city property; and

WHEREAS, the City of New Braunfels is no longer in need of this ordinance due to the establishment in 1986 of the Comal County Crime Stoppers Program that has the capacity to provide awards for certain crimes including graffiti; and

WHEREAS, the New Braunfels Police Department supports the repeal of this obsolete provision.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1. Amendment.

That City of New Braunfels Code of Ordinances, Chapter 2, Section 2-127 is hereby repealed as indicated below:

2-127. ~~Reward for prosecution of destruction of city property.~~ RESERVED.

- ~~(a) A reward of \$50.00 shall be paid by the city to any person furnishing information enabling and resulting in the arrest and conviction of any person mutilating, defacing or destroying any real property belonging to the city.~~
- ~~(b) Upon the arrest and conviction of any person as set out in subsection (a) of this section, and upon the filing and establishing of the claim for the reward provided, the mayor shall certify the fact to the treasurer, who shall thereupon issue proper voucher against the general fund of the city.~~

~~(Code 1961, §§ 2-20, 2-21)~~

~~Cross reference(s) — Interference with official traffic control devices or railroad signs or signals, § 126-69.~~

SECTION 2: Repealer.

All provisions of the New Braunfels Code of Ordinances, or other ordinances, whether codified or uncodified, in conflict with the provisions of this ordinance are hereby repealed, and all other provisions of the Code of Ordinances or other ordinances, codified or uncodified, not in conflict with the provisions of the ordinance shall remain in full force and effect.

SECTION 3: Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence or section

of this ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence paragraph or section of this ordinance.

SECTION 4: Savings Clause.

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

SECTION 5: Effective Date.

This ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 22ND day of July, 2024.

PASSED AND APPROVED: Second reading this _____ day of August, 2024.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

8/12/2024

Agenda Item No. N)

PRESENTER:

Sandy Paulos, Director of Finance

SUBJECT:

Approval of the second and final reading of an ordinance, of the City Council of the City of New Braunfels, Texas, accepting and approving an Annual Service Plan Update to the Service and Assessment Plan and updated Assessment Roll for the Solms Landing Public Improvement District; making and adopting findings; providing a cumulative repealer clause; and providing an effective date.

BACKGROUND INFORMATION:

The Solms Landing Public Improvement District (PID) was authorized by City Council on January 14, 2019. The property is approximately 97 acres adjacent to the Creekside shopping area. The purpose of the district is to finance certain improvements authorized by Chapter 372 of the Texas Local Government Code (the PID Act), that promote the interests of the City and confer a special benefit on the Assessed Property within the District.

An ordinance that accepted and approved the Service and Assessment Plan for the District was approved by City Council on November 8, 2021. The PID Act and the terms of the Service and Assessment Plan require that the Service and Assessment Plan be updated annually, along with the Assessment Roll. This ordinance will accept and approve the Annual Service Plan Update to the Service and Assessment Plan for 2024.

This first reading of this item was approved unanimously at the July 22 Council Meeting.

ISSUE:

N/A

FISCAL IMPACT:

There is no direct fiscal impact to the City of New Braunfels associated with the approval of the ordinance referenced above. Administrative costs incurred from administering the PID, along with any debt service related to bonds issued for the PID, will be covered from the assessments levied on the properties with the Solms Landing development.

RECOMMENDATION:

Staff recommends approval of the ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS ACCEPTING AND APPROVING AN ANNUAL SERVICE PLAN UPDATE TO THE SERVICE AND ASSESSMENT PLAN AND UPDATED ASSESSMENT ROLL FOR THE SOLMS LANDING PUBLIC IMPROVEMENT DISTRICT; MAKING AND ADOPTING FINDINGS; PROVIDING A CUMULATIVE REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on January 14, 2019, after due notice, the City Council (the “City Council”) of the City of New Braunfels (the “City”) held a public hearing in the manner required by law on the advisability of the public improvements and services described in the petition as required by Section 372.009 of the Public Improvement District Assessment Act, Chapter 372, Texas Local Government Code, as amended (the “PID Act”) and on January 14, 2019 made the findings required by Section 372.009(b) of the PID Act and, by a resolution (the “Authorization Resolution”) adopted by a majority of the members of the City Council, authorized and created the Solms Landing Public Improvement District (the “District”) in accordance with its finding as to the advisability of the improvement projects and services; and

WHEREAS, pursuant to the PID Act, the City Council published notice and convened a public hearing on November 8, 2021, regarding the levy of Assessments against benefitted property located in the District and the levy of Assessments against benefitted property located in the District; and

WHEREAS, on November 8, 2021, the City Council, after such notice and public hearing, adopted an ordinance (the “Assessment Ordinance”) accepting and approving a service and assessment plan for the District (as updated and amended from time to time, the “Service and Assessment Plan”), approving the Assessment Roll attached thereto as Exhibit F (the “Assessment Roll”) and levying the Assessments on the Assessed Property within the District; and

WHEREAS, pursuant to the PID Act and to the terms of the Service and Assessment Plan, the City Council is required to annually update the Service and Assessment Plan, including the Assessment Roll (each an “Annual Service Plan Update”); and

WHEREAS, pursuant to the PID Act and to the terms of the Service and Assessment Plan, the City Council now wishes to adopt an ordinance accepting and approving the Annual Service Plan Update to the Service and Assessment Plan for 2024, in the form attached hereto as Exhibit A; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1. Terms.

Terms not otherwise defined herein are defined in the Service and Assessment Plan.

SECTION 2. Findings.

The findings and determinations set forth in the preamble above are incorporated herein for all purposes and are hereby adopted.

SECTION 3. Annual Service Plan Update to the Service and Assessment Plan.

The “Solms Landing Public Improvement District 2024 Annual Service Plan Update”, attached hereto as Exhibit A, is accepted and approved pursuant to the PID Act. The Mayor, City Secretary, and any other appropriate officials of the City are hereby authorized to take all necessary actions on behalf of the City to implement the provisions thereof in accordance therewith, including the filing of the Assessment Roll with the Comal County Tax Assessor/Collector.

SECTION 4. Filing in the Real Property Records.

In accordance with Section 372.013(e) of the PID Act, the City Secretary is directed to cause a copy of this Ordinance, including the Annual Service Plan Update to the Service and Assessment Plan for 2024, to be filed with the County Clerk of Comal County to be recorded in the real property records of Comal County, not later than the seventh day after the date the City Council adopts this Ordinance approving the Annual Service Plan Update to the Service and Assessment Plan for 2024.

SECTION 5. Governing Law.

This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. Effect of Headings.

The Section headings herein are for convenience only and shall not affect the construction hereof.

SECTION 7. Cumulative Repealer.

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim, or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 8. Severability.

If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance or the application thereof to other circumstances

shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 9. Effective Date.

This Ordinance shall take effect and be in force immediately from and after its adoption on the last date shown below in accordance with Texas Government Code, Section 1201.028, as amended. This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office.

PASSED AND APPROVED: First reading this the ____ day of July, 2024.

PASSED AND APPROVED: Second reading this the ____ day of _____, 2024.

CITY OF NEW BRAUNFELS, TEXAS

Neal Linnartz, Mayor

ATTEST:

Gayle Wilkinson, City Secretary

APPROVED:

Valeria M. Acevedo, City Attorney

PRESENTER:

Sandy Paulos, Director of Finance

SUBJECT:

Approval of the first reading of an ordinance, of the City Council of the City of New Braunfels, Texas, accepting and approving an Annual Service Plan Update to the Service and Assessment Plan and updated Assessment Roll for the Solms Landing Public Improvement District; making and adopting findings; providing a cumulative repealer clause; and providing an effective date.

BACKGROUND INFORMATION:

The Solms Landing Public Improvement District (PID) was authorized by City Council on January 14, 2019. The property is approximately 97 acres adjacent to the Creekside shopping area. The purpose of the district is to finance certain improvements authorized by Chapter 372 of the Texas Local Government Code (the PID Act), that promote the interests of the City and confer a special benefit on the Assessed Property within the District.

An ordinance that accepted and approved the Service and Assessment Plan for the District was approved by City Council on November 8, 2021. The PID Act and the terms of the Service and Assessment Plan require that the Service and Assessment Plan be updated annually, along with the Assessment Roll. This ordinance will accept and approve the Annual Service Plan Update to the Service and Assessment Plan for 2024.

ISSUE:

N/A

FISCAL IMPACT:

There is no direct fiscal impact to the City of New Braunfels associated with the approval of the ordinance referenced above. Administrative costs incurred from administering the PID, along with any debt service related to bonds issued for the PID, will be covered from the assessments levied on the properties with the Solms Landing development.

RECOMMENDATION:

Staff recommends approval of the ordinance.

8/12/2024

Agenda Item No. A)

PRESENTER:

Jeff Jewell, Economic and Community Development Director

SUBJECT:

Presentation and update on the feasibility analysis for NBEDC-owned property at Common Street and Gruene Road

DEPARTMENT: Economic and Community Development

COUNCIL DISTRICTS IMPACTED: 4

BACKGROUND INFORMATION:

At the New Braunfels Economic Development Corporation (NBEDC) workshop on June 15th, 2023, the Board was introduced to a process to undertake predevelopment and feasibility work for the eventual development of the Gruene 16, Block 1, Lots 1-3 property. This property was purchased by the NBEDC in 2016 for HD Supply’s planned expansion, which did not occur. The process worked with key stakeholders to conceptualize the project and objectives, develop a basic vision for the project, determine the market demand for the project as envisioned, and develop high level financial feasibility estimates to determine the overall level of support particular development concept(s) would likely need. This was intended to be the first steps in the process, with a second stage proposed to ultimately solicit a developer and assist in the negotiation of a development agreement to bring the project to fruition.

EPS facilitated a workshop with the NBEDC Board on November 14, 2023 and addressed objectives for the site, identified key questions for additional research, and established parameters for the next steps of the potential public/private partnership. EPS facilitated additional conversations with city council members and other stakeholders to inform the feasibility study. At its workshop in June, EPS delivered the results of the initial feasibility and development concepts based upon market data and community goals. At that meeting, EPS discussed the next steps in phase two of this project which includes high level planning and test fitting the site with the proposed concepts, providing the financial feasibility analysis, and drafting a Request for Proposals for development. The Board directed staff to move forward with this expenditure to continue advancing the project. The cost for this second phase is \$60,000 with \$15,000 being transferred from phase one, bringing the total for phase two to \$45,000. The NBEDC held a public hearing on July 18th, 2024 and unanimously approved this project expenditure.

ISSUE:

Update on the Feasibility Study for Phase One of the Gruene 16 study.

STRATEGIC PLAN REFERENCE:

- Economic Mobility
- Enhanced Connectivity
- Community Identity
- Organizational Excellence
- Community Well-Being
- N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

The NBEDC approved this expenditure at its meeting in July and will present the expenditure for consideration by City Council at its second meeting in August.

Final Report

New Braunfels Real Estate Feasibility Analysis

The Economics of Land Use



Prepared for:

New Braunfels Economic Development Corporation (EDC)

Prepared by:

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May 7, 2024

EPS #233063

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1. Introduction

Overview

The "Gruene 16" property is a 15.67-acre City owned parcel of land located to the north and to the east of Common Street and Gruene Road in New Braunfels. The site represents an opportunity for the community to advance its economic development goals as well as to create a place that is recognized for its unique character and overall contribution to the City. This report presents a vision for the site that is based on a detailed analysis of the demographic and economic framework of New Braunfels and a comprehensive review of market trends for the area that have been calibrated by local broker interviews. The material has been used to generate three development themes for consideration by the New Braunfels Economic Development Corporation (EDC) and the City Council. A full analysis of each is provided in the report, based on the overarching themes of:

- Visitation
- Creativity, and
- Local Focus

The primary objective is to provide a platform from which the EDC and Council can define development program options and financial parameters to be included in a subsequent developer solicitation, with the goal of forming a potential public-private partnership with the New Braunfels EDC and a prospective development team. The report aims to inform strategic decision-making by balancing market-driven insights with innovative considerations for the site.

It is important to note that the current zoning was not a decisive factor in determining the recommendations for prospective land uses included in this report. The analysis took a broader view of potential uses. Therefore, implementing the suggested land uses outlined in the report might require the City to consider rezoning certain sections of the property.

About EPS

Economic & Planning Systems, Inc. (EPS) is a land economics consulting firm experienced in the full spectrum of services related to real estate development, the financing of public infrastructure and government services, land use and conservation planning, and government organization.

Areas of Expertise

- Real Estate Economics
- Public Finance

- Land Use and Transportation
- Economic Development and Revitalization
- Fiscal and Economic Impact Analysis
- Housing Policy
- Public-Private Partnership (P3)
- Parks and Open Space Economics

Clients Served

Since 1983 EPS has provided consulting services to hundreds of public- and private-sector clients in Colorado and throughout the United States. Clients include cities, counties, special districts, multi-jurisdictional authorities, property owners, developers, financial institutions, and land use attorneys.

Report Chapters

The findings of the analysis are presented in five sections as follows:

- **Council and EDC Goals** – This section summarizes the overarching goals and objectives articulated by City Council and EDC members in a series of individual interviews as well as board meetings facilitated by EPS.
- **Economic and Demographic Trends** – This section describes the employment and demographic trends related to New Braunfels and its surrounding communities, which includes San Antonio, San Marcos, and Austin.
- **Market Conditions** – This section provides an overview of the market conditions for various key asset classes in New Braunfels, encompassing office, retail, industrial, hospitality, multifamily, and single-family properties.
- **Broker Insights** – This section provides a summary of key insights from local and regional real estate professionals active in the New Braunfels real estate market.
- **Opportunistic Land Uses** – This section provides an overview of specific land uses, expanding beyond the conventional commercial asset classes. Through conversations with real estate experts at local and regional levels, three distinct land utilization types emerged as promising opportunities warranting deeper exploration.
- **Development Themes and Concepts** – This section synthesizes the analysis into three prospective development scenarios for consideration on the Gruene 16 property. Furthermore, it includes a concise examination concerning the Common Street and Gruene Road lot. The three potential development scenarios were evaluated using a weighted decision-making matrix and scored based on their alignment with selected criteria.

Executive Summary

This section is intended to provide an overview of the key findings, insights, and recommendations detailed within the report.

1. *The key themes outlined by the City Council and EDC members were mixed.*

While the key themes outlined by council and EDC members varied, most members believed that future development on the “Gruene 16” site should be creative, innovative, and unique.

2. *New Braunfels is growing at a faster rate than peer communities located along the I-35 corridor.*

From 2010 to 2023, New Braunfels had an average annual population growth rate of 4.2 percent, equating to approximately 3,201 new residents each year. During the same period, the population in San Marcos, Austin, and San Antonio grew at rates of 3.5, 1.7, and 0.7 percent, respectively.

3. *The commercial real estate markets in New Braunfels are strong.*

From 2010 to 2023, total inventory in every commercial real estate market in the city grew. The multifamily residential market grew at the fastest rate, with total inventory increasing by an average of 8.0 percent per year.

4. *The City should not consider acquiring the property located at the intersection of Common Street and Gruene Road unless the asking price is reduced to align with prevailing market standards.*

Based on conversations with local and regional brokers and developers, the City could consider purchasing the property at a price of \$15 to \$16 per square foot, which represents market rate in New Braunfels, with a maximum consideration of \$20 per square foot.

5. *The analysis identifies three potential development scenarios, each tailored to fulfill specific thematic objectives.*

The potential development scenarios are comprised of themes related to visitation, creativity, and local focus. The visitation scenario is envisioned as a mixed-use development with a primary product mix that includes a convention center/meeting space and a boutique and/or limited-service hotel. The creativity scenario is envisioned to include a film studio and boutique hotel. The local focus development scenario is envisioned as a mixed-use development, with one or two two-story medical office buildings.

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2. Council and EDC Goals

This section summarizes the overarching goals and objectives articulated by City Council and EDC members in a series of individual workshops conducted by EPS.

Goals and Objectives

The key themes outlined by the City Council and EDC members serve to streamline the project's focus towards a set of objectives that resonate within the community. It's important to highlight that the analysis will incorporate these themes in the analysis and evaluation of options.

1. Future development should be creative, innovative, and unique.

Given the constraints associated with limited land availability in the region, large scale development opportunities will be limited in the future. As this reality sets in, it's important to approach future development endeavors with a heightened sense of creativity, innovation, and uniqueness.

2. There is an appetite for moderate- to high-yield utilization of the parcel with a mix of uses.

The desire to achieve moderate to high development uses stems from a recognition of the need to optimize the use of available land. By integrating residential, commercial, and recreational spaces within the same area, mixed-use developments can represent an opportunity to achieve greater efficiency on the site, potentially maximizing the City's return on investment (ROI).

3. Future development needs to complement existing land use patterns in the area.

The property abuts single family residential housing to the north, multifamily residential property to the east, and commercial property to the south. Future development on the site must align with and complement these existing land use patterns, while still achieving the goals related to maximizing opportunity.

4. The primary emphasis for employment opportunities on the site should prioritize primary jobs.

Any future use of the site should attract high quality jobs that will expand the local economy. An often-cited example included Class A office space, although various council and EDC members spoke about a range of other employment examples that increase primary economic activity.

5. For any public incentives to be considered, future development must be linked to achieving the City's existing economic development objectives.

The Economic Development Strategic Plan, completed in 2022, identifies six strategic priorities to provide focus related to economic development efforts in New Braunfels:

- Attract quality jobs in target industries
- Create competitive office and industrial spaces
- Support the success of startups
- Align and optimize workforce assets
- Improve mobility and transportation options
- Execute proactive land use and development strategies

Future development on the Gruene 16 site should meet most of these goals to be considered for any future public investment opportunities.

6. Any future development on the site should be thoughtfully designed to accommodate comfortable pedestrian and biking mobility options.

By designing infrastructure that promotes walking and cycling, the site will include valuable community assets that enhance the quality of life of New Braunfels residents. Future pathways not only offer safe and enjoyable routes for transportation but also contribute to the overall attractiveness of the community, making it more appealing to residents, visitors, and potential investors.

7. Workforce housing is needed to accommodate existing employees that commute in from outside communities.

Addressing the need for workforce housing is important when considering the largest industries in the community—Retail Trade, Accommodation and Food Services, and Health Care and Social Assistance—typically draw from surrounding, lower cost communities to recruit employees. These industries represent a substantial portion of the local economy and provide essential services and employment opportunities for the region.

8. The site should contain community amenities such as a park, civic plaza, and/or trail connections.

There is a desire to create a recognizable civic amenity that helps any future development stand out in the eyes of the community. In addition to an element that facilitates community interaction, there is also interest in parks and walking trails that would contribute to the overall attractiveness and desirability of any future development on the site, enhancing property values and attracting potential residents and businesses. This, in turn, can stimulate economic development and job creation, benefiting not only the local workforce but also the broader community.

9. Accommodate a range of uses, both commercial and residential, within the site.

Most council members described a vision that included a mix of uses. In addition to a mix of uses, several members of council believe the site represents a rare opportunity to incorporate a mix of housing, with affordable for-sale options, such as townhomes or condominiums. The mix of housing types can be helpful in communities with a need for housing costs to align with local wages. These types of housing developments offer an opportunity for workforce members to live closer to their workplace, reducing commute times and expenses. Additionally, they contribute to the overall diversity and inclusivity of the community.

10. A medical corridor is naturally emerging along Common Street.

By fostering the growth and development of a naturally emerging employment cluster related to Health Care and Social Assistance, the City could potentially attract a larger pool of private investment and primary employment. Facilitating the growth of this economic cluster could contribute to the diversification of the economy, reducing dependence on a single industry and enhancing resilience to economic shocks. This could also generate positive externalities that would enhance the overall quality of life for residents.

11. It was noted that the proximity to the Gruene Historic District warrants consideration of a hotel on site.

The Gruene Historic District, home to Texas' oldest dance hall, Gruene Hall, stands as a cherished tourist destination, attracting visitors from around the country. Renowned as a quintessential Texan gem, it is among the state's most sought-after attractions. A hotel adjacent to the district would provide another convenient accommodation option for an existing visitor population, which could potentially lead to extended stays, thus increasing tourism revenue.

These broadly stated objectives for the site have been used to frame the analysis of options. As provided in latter sections of this report, a set of criteria with greater specificity has been defined by the consultant team, which is used to assess the overall benefit of three potential development scenarios. The criteria generated later align with the concepts listed above. The importance of beginning the analysis with a summary of local vision is to ensure that the long-term future of the site is based on the vision of local leadership.

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3. Economic and Demographic Trends

The purpose of this section is to document the economic and demographic trends for New Braunfels and nearby San Marcos, Austin, and San Antonio. In addition to demographic trends (population and households), the section addresses housing and economic growth, with a specific focus on employment composition and commuting patterns.

Population and Households

In 2023, New Braunfels had a population of 100,749 residents, as shown in **Table 1**. From 2010 to 2023, the city had an average annual growth rate of 4.2 percent, equating to approximately 3,201 new residents each year. The strong growth was also noted in broker interviews (provided later in this report), with some brokers noting that this section of the I-35 corridor is one of the strongest growth corridors in the nation. During the same period, San Marcos population increased at a similar rate with an average annual growth rate of 3.5 percent. Austin and San Antonio, which are larger, more established communities, saw lower but steady growth over the period, with average annual growth rates of 1.7 percent and 0.7 percent, respectively.

Household trends followed a similar pattern to that of the population between 2010 to 2023. New Braunfels had an average annual household growth rate of 4.5 percent, an increase of 1,276 new households each year. San Marcos had a slightly lower annual growth rate of 3.9 percent, or 896 households annually. Austin household growth increased by 2.1 percent annually and added 8,092 households each year. San Antonio had the lowest growth rate of 1.1 percent annually, equating to 5,412 households annually.

Table 1. Population and Households, 2000-2023

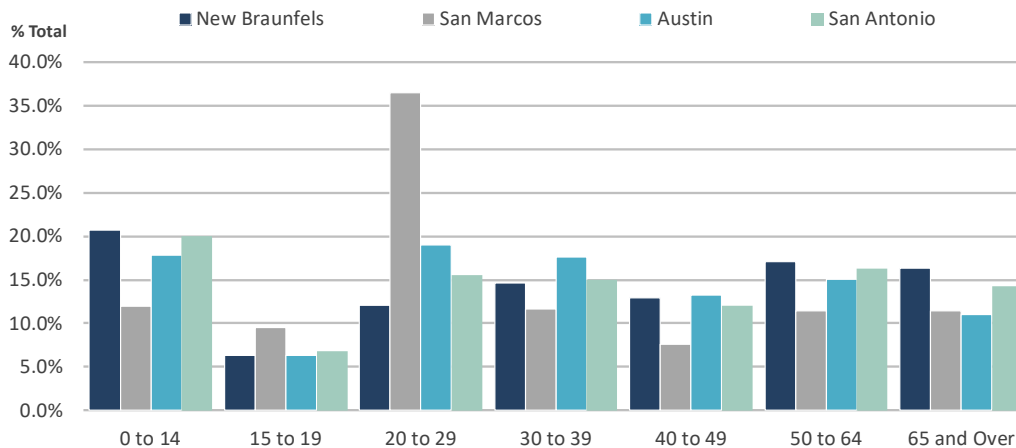
Description	2000	2010	2023	2000-2010			2010-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
Population									
New Braunfels	41,037	59,139	100,749	18,102	1,810	3.7%	41,610	3,201	4.2%
San Marcos	39,044	47,925	74,591	8,881	888	2.1%	26,666	2,051	3.5%
Austin	687,267	805,567	1,007,847	118,300	11,830	1.6%	202,280	15,560	1.7%
San Antonio	1,151,789	1,326,441	1,444,120	174,652	17,465	1.4%	117,679	9,052	0.7%
Households									
New Braunfels	15,049	21,753	38,337	6,704	670	3.8%	16,584	1,276	4.5%
San Marcos	13,884	18,256	29,910	4,372	437	2.8%	11,654	896	3.9%
Austin	277,830	331,323	436,518	53,493	5,349	1.8%	105,195	8,092	2.1%
San Antonio	407,712	479,565	549,921	71,853	7,185	1.6%	70,356	5,412	1.1%

Source: U.S. Census; ESRI Business Analyst; Economic & Planning Systems

In 2023, the median age of a New Braunfels resident was 38. In comparison, Austin and San Antonio had median ages of 34 and 35, respectively. San Marcos distinguished itself with a significantly lower median age of 26. Given its status as an affordable college town in proximity to Austin, it is unsurprising that San Marcos attracts a younger demographic. Approximately 36.5 percent of San Marcos residents fall within the age range of 20 to 29, as shown in **Figure 1**.

New Braunfels has the highest median age in the region, but also the highest percentage of children aged 0 to 14, at 20.7 percent. The city's population is evenly distributed across other age groups, suggesting a sustainable workforce and potential for future growth. Austin and San Antonio follow similar trends, with evenly distributed age groups.

Figure 1. Age Distribution, 2023

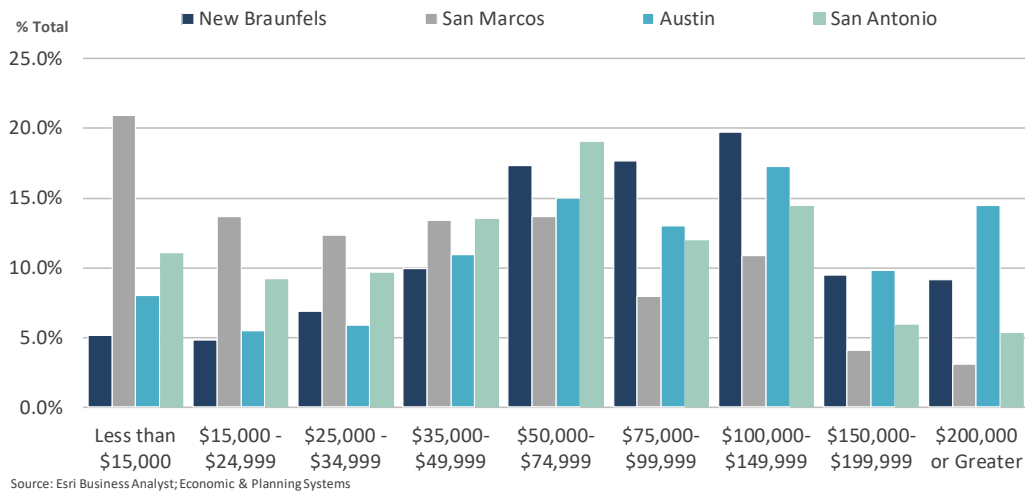


Source: Esri Business Analyst; Economic & Planning Systems

New Braunfels' median household income of \$81,675 was slightly below Austin's \$82,380 but significantly higher than San Marcos' \$37,665 and San Antonio's \$56,608. Approximately 60 percent of New Braunfels households earn an annual income of \$75,000 or more, which is similar to Austin where 54.6 percent fall within this bracket. However, in San Antonio, only 37.6 percent reach this income level, while in San Marcos, the proportion dwindles to just 26 percent, illustrated in **Figure 2**.

Notably, the most prevalent income group in New Braunfels, accounting for 19.7 percent of the population, falls within the \$100,000 to \$149,999 range. Moreover, a substantial 38.3 percent of residents earn \$100,000 or more annually.

Figure 2. Household Income Distribution, 2023



Housing Characteristics

The number of housing units in New Braunfels has grown considerably over the past few decades. From 2000 to 2010, New Braunfels grew on average 3.8 percent each year. Between 2010 to 2023, the number of units grew at a rate of 4.5 percent annually, adding on average 1,402 units each year, as shown in **Table 2**.

Similarly, the number of housing units in San Marcos has also grown substantially. Between 2000 and 2010, housing units grew at a rate of 2.9 percent, adding an average of 486 units annually. Between 2010 to 2023, this growth increased to approximately 1,010 units each year, reflecting a growth rate of 4.0 percent. Meanwhile, Austin and San Antonio have maintained steady growth, with annual increases of 2.1 percent and 1.1 percent, respectively, since 2010.

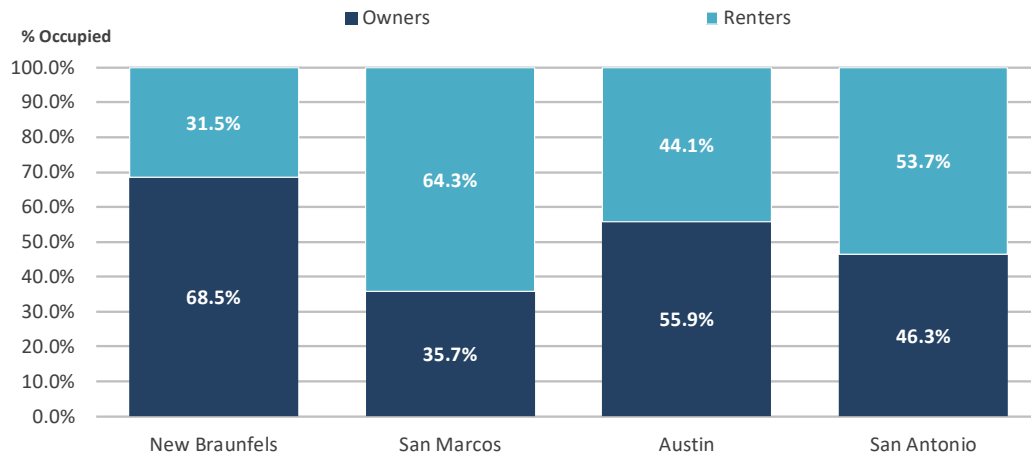
Table 2. Housing Inventory, 2000-2023

Housing Tenure	2000	2010	2023	2000-2010			2010-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
New Braunfels									
Owner Occupied	10,075	14,441	26,252	4,366	437	3.7%	11,811	909	4.7%
Renter Occupied	4,974	7,311	12,085	2,337	234	3.9%	4,774	367	3.9%
Vacant	<u>1,407</u>	<u>2,159</u>	<u>3,804</u>	<u>752</u>	<u>75</u>	<u>4.4%</u>	<u>1,645</u>	<u>127</u>	<u>4.5%</u>
Total	16,456	23,911	42,141	7,455	746	3.8%	18,230	1,402	4.5%
San Marcos									
Owner Occupied	5,101	5,757	10,686	656	66	1.2%	4,929	379	4.9%
Renter Occupied	8,783	12,500	19,224	3,717	372	3.6%	6,724	517	3.4%
Vacant	<u>880</u>	<u>1,364</u>	<u>2,843</u>	<u>484</u>	<u>48</u>	<u>4.5%</u>	<u>1,479</u>	<u>114</u>	<u>5.8%</u>
Total	14,764	19,621	32,753	4,857	486	2.9%	13,132	1,010	4.0%
Austin									
Owner Occupied	128,886	151,050	192,561	22,164	2,216	1.6%	41,511	3,193	1.9%
Renter Occupied	148,944	180,266	243,957	31,322	3,132	1.9%	63,691	4,899	2.4%
Vacant	<u>11,715</u>	<u>29,907</u>	<u>38,641</u>	<u>18,192</u>	<u>1,819</u>	<u>9.8%</u>	<u>8,734</u>	<u>672</u>	<u>2.0%</u>
Total	289,545	361,223	475,159	71,678	7,168	2.2%	113,936	8,764	2.1%
San Antonio									
Owner Occupied	238,241	271,253	295,073	33,012	3,301	1.3%	23,820	1,832	0.6%
Renter Occupied	169,471	208,307	254,848	38,836	3,884	2.1%	46,541	3,580	1.6%
Vacant	<u>27,924</u>	<u>44,914</u>	<u>57,143</u>	<u>16,990</u>	<u>1,699</u>	<u>4.9%</u>	<u>12,229</u>	<u>941</u>	<u>1.9%</u>
Total	435,636	524,474	607,064	88,838	8,884	1.9%	82,590	6,353	1.1%

Source: U.S. Census; ESRI Business Analyst; Economic & Planning Systems

Historically, housing development in New Braunfels has been single-family homes. In 2023, 68.5 percent of occupied homes in New Braunfels were owner-occupied, as shown in **Figure 3**. San Marcos had the opposite trend, with approximately 64.3 percent of homes occupied by renters. This is attributed to the presence of college students, lower incomes, and a younger demographic in the area. Austin’s rate of owner occupancy is 55.9 percent, while San Antonio stands at 46.3 percent.

Figure 3. Housing Tenure, 2023

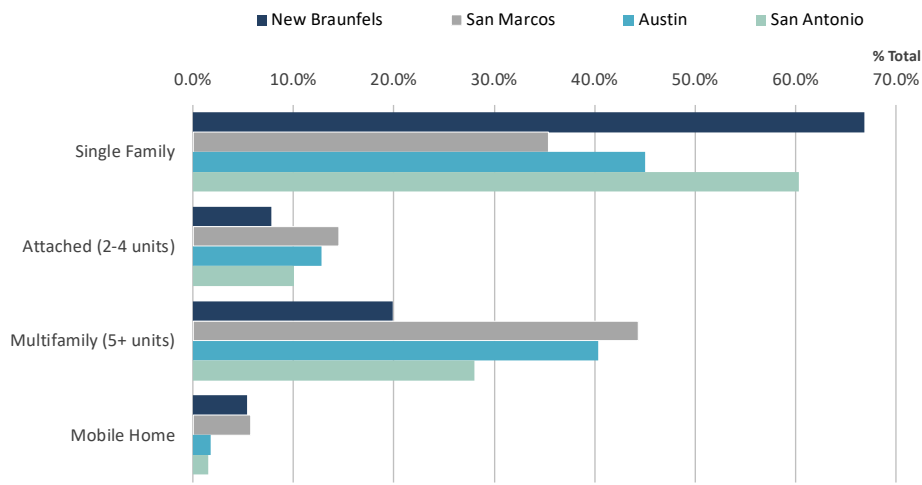


Source: Esri Business Analyst; Economic & Planning Systems

Given the housing tenure in New Braunfels, it is unsurprising that most housing units are single-family residences. Specifically, 66.9 percent of the housing units in New Braunfels are single-family homes, followed by 19.9 percent multifamily units, which include stacked condominium buildings and apartments of five units or more, 7.8 percent attached units (two to four units), and 5.4 percent mobile homes, as shown in **Figure 4**. Conversely, the predominant housing type in San Marcos is multifamily units, making up 44.3 percent of the market. The number of multifamily housing units aligns with the student population and lower incomes of San Marcos.

Austin's housing stock is split between single-family units, at 45.1 percent, and multifamily units, at 40.3 percent. This distribution reflects the city center’s growing popularity and the need for denser housing options. In contrast, San Antonio is made up of single-family units, accounting for 60.3 percent of the housing stock, while only 28.1 percent are multifamily.

Figure 4. Housing Units by Type, 2021

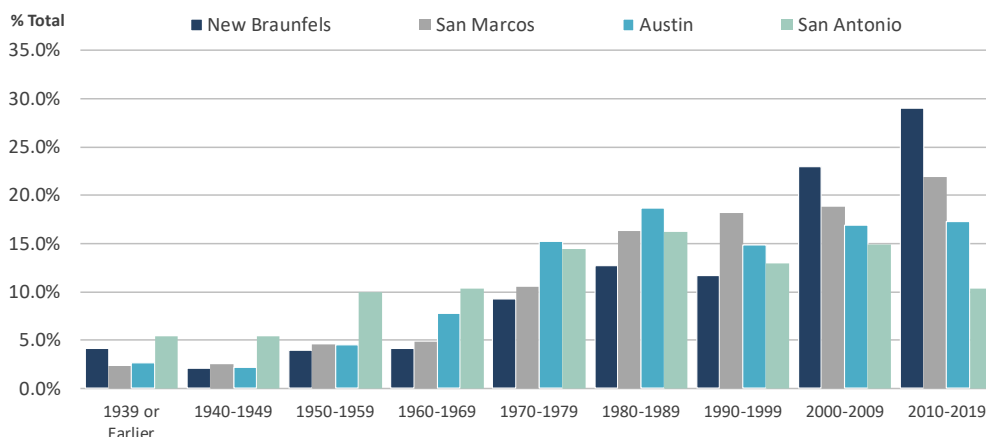


Source: ESRI Business Analyst, U.S. Census; Economic & Planning Systems

The age of houses in New Braunfels, San Marcos, Austin, and San Antonio provides valuable insights into the historical development and composition of each city's housing stock and is illustrated in **Figure 5**. In New Braunfels, there is a notable concentration of newer housing units built between 2000 and 2019, comprising 52.0 percent of the total housing stock. This trend aligns with the city's growth and development over the past two decades. Similarly, over 40 percent of the homes in San Marcos were built between 2000 to 2019.

Conversely, Austin and San Antonio have a more balanced distribution of housing units across various decades, reflecting their larger and more established housing markets. The median year built for housing units in each city further underscores these differences. New Braunfels has the newest housing stock and a median year built of 2001. Followed by San Marcos with a median year built of 1995, Austin, 1990, and San Antonio, 1983.

Figure 5. Housing by Year Built, 2021



Source: U.S. Census; Economic & Planning Systems

Employment

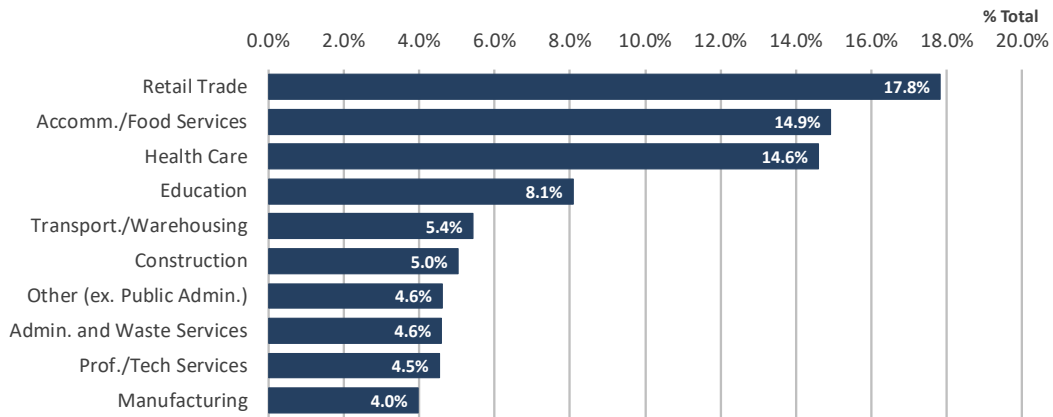
From 2001 to 2011, New Braunfels experienced a modest increase in jobs, which is notable considering the impacts of the Great Recession. New Braunfels gained nearly 6,000 jobs during that time, equating to a 2.2 percent annual growth rate or roughly 596 jobs per year, as indicated in **Table 3**. The following decade, between 2011 and 2022, New Braunfels grew at a faster rate of 3.5 percent annually, the equivalent of 1,259 jobs added each year. In 2022, New Braunfels job market had a total of 45,954 jobs. The largest industry based on total employment was Retail Trade with 8,187 jobs, accounting for 17.8 percent of total employment, shown in **Figure 6**. The second largest industry was Accommodation and Food Services with 6,856 jobs and 14.9 percent of total employment, followed by Health Care with 6,700 jobs, Education with 3,712 jobs, and Transportation and Warehousing with 2,494 jobs.

Table 3. New Braunfels Employment Growth by Industry, 2001-2022

New Braunfels	2001	2011	2022	2001-2011			2011-2022		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
Ag./Forestry/Fishing	148	121	104	-27	-3	-2.0%	-17	-1	-1.4%
Mining	147	19	102	-128	-13	-18.4%	83	7	1.7%
Utilities	303	306	408	3	0	0.1%	102	9	2.2%
Construction	1,318	1,263	2,311	-56	-6	-0.4%	1,048	87	4.2%
Manufacturing	3,638	1,750	1,824	-1,889	-189	-7.1%	74	6	0.5%
Wholesale Trade	1,048	2,140	800	1,092	109	7.4%	-1,340	-112	-8.7%
Retail Trade	5,196	5,025	8,187	-171	-17	-0.3%	3,162	264	4.4%
Transport./Warehousing	337	1,096	2,494	759	76	12.5%	1,398	117	5.6%
Information	263	235	356	-29	-3	-1.1%	121	10	3.7%
Finance	563	884	1,238	321	32	4.6%	354	30	2.9%
Real Estate	706	479	985	-227	-23	-3.8%	506	42	5.1%
Prof./Tech Services	574	905	2,080	331	33	4.7%	1,175	98	8.1%
Management	88	465	793	377	38	18.1%	328	27	6.6%
Admin. and Waste Services	683	1,112	2,111	429	43	5.0%	1,000	83	5.9%
Education	1,753	2,345	3,712	591	59	2.9%	1,367	114	4.0%
Health Care	2,880	4,682	6,700	1,802	180	5.0%	2,019	168	3.7%
Arts/Rec.	795	1,281	1,558	486	49	4.9%	277	23	2.5%
Accomm./Food Services	2,623	4,667	6,856	2,044	204	5.9%	2,189	182	4.1%
Other (ex. Public Admin.)	1,183	1,233	2,118	50	5	0.4%	886	74	4.5%
Public Admin.	645	843	1,216	198	20	2.7%	373	31	2.8%
Total	24,891	30,849	45,954	5,958	596	2.2%	15,105	1,259	3.5%

Source: JobsEQ; Economic & Planning Systems

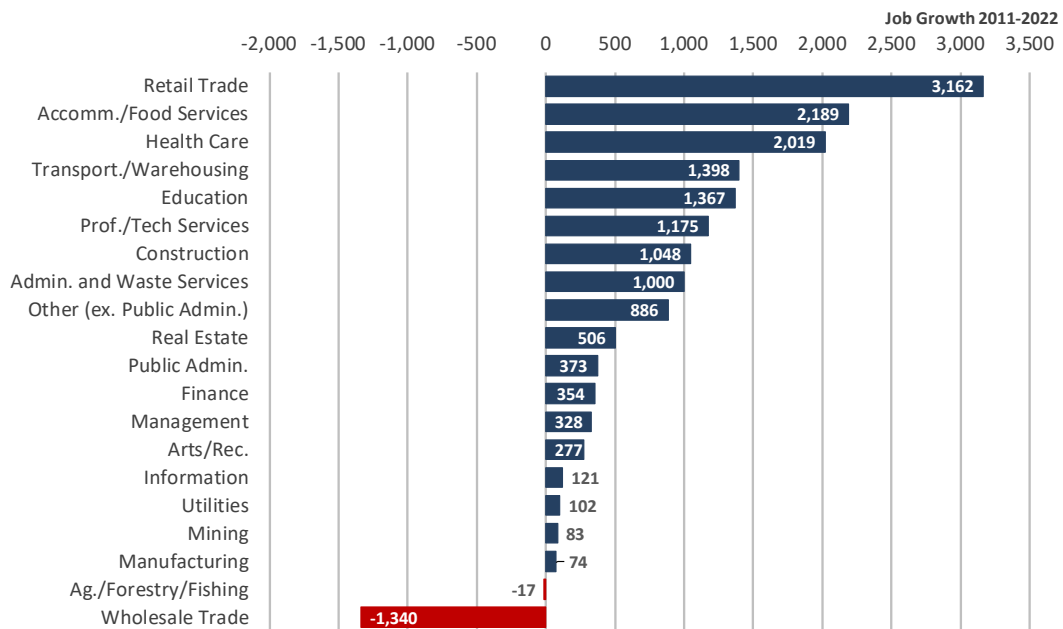
Figure 6. New Braunfels Largest Employment Industries, 2022



Source: JobsEQ, Economic & Planning Systems

From 2011 to 2022, all but two industries in New Braunfels experienced job growth, illustrated in **Figure 7**. The Retail Trade industry grew the most, adding 3,162 jobs over the period, which accounts for 20.9 percent of the total growth. Other fast-growing industries include Accommodation and Food Services with 2,189 jobs, Health Care adding 2,019 jobs, Transportation and Warehousing adding 1,398 jobs, and Education adding 1,367 jobs. The industries that saw a decline in jobs during this period were Agriculture, Forestry and Fishing, which lost 17 jobs, and Wholesale Trade which saw a decline of 1,340 jobs.

Figure 7. New Braunfels Job Growth by Industry, 2011-2022



Source: JobsEQ, Economic & Planning Systems

New Braunfels' average annual wage in 2022 was \$60,420, as shown in **Table 4**. Since 2011, wages for all industries have grown at an average rate of 3.9 percent per year. Industries with the highest average annual percent wage increase between 2011 to 2022 are Real Estate (6.6 percent), Retail Trade (6.0 percent), Wholesale Trade (5.1 percent), and Finance (5.0 percent). The highest paid sectors in New Braunfels are Management with an average wage of \$143,375, Wholesale Trade (\$87,223), Finance (\$81,792), Mining (\$80,408), and Utilities (\$78,545).

Table 4. New Braunfels Average Annual Wage by Industry, 2001-2022

New Braunfels	2001	2011	2022	2001-2011			2011-2022		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
Ag./Forestry/Fishing	\$4,947	\$6,043	\$6,503	\$1,096	\$110	2.0%	\$459	\$42	0.7%
Mining	\$37,877	\$52,565	\$80,408	\$14,688	\$1,469	3.3%	\$27,843	\$2,531	3.9%
Utilities	\$35,107	\$49,305	\$78,545	\$14,198	\$1,420	3.5%	\$29,240	\$2,658	4.3%
Construction	\$31,275	\$42,205	\$62,164	\$10,930	\$1,093	3.0%	\$19,959	\$1,814	3.6%
Manufacturing	\$31,052	\$43,169	\$58,450	\$12,117	\$1,212	3.3%	\$15,281	\$1,389	2.8%
Wholesale Trade	\$37,643	\$50,432	\$87,223	\$12,789	\$1,279	3.0%	\$36,790	\$3,345	5.1%
Retail Trade	\$23,425	\$22,927	\$43,491	-\$498	-\$50	-0.2%	\$20,564	\$1,869	6.0%
Transport./Warehousing	\$33,774	\$46,695	\$50,426	\$12,921	\$1,292	3.3%	\$3,731	\$339	0.7%
Information	\$30,920	\$52,207	\$73,157	\$21,287	\$2,129	5.4%	\$20,950	\$1,905	3.1%
Finance	\$33,715	\$47,878	\$81,792	\$14,163	\$1,416	3.6%	\$33,914	\$3,083	5.0%
Real Estate	\$24,081	\$33,319	\$67,535	\$9,237	\$924	3.3%	\$34,217	\$3,111	6.6%
Prof./Tech Services	\$36,891	\$52,061	\$71,014	\$15,170	\$1,517	3.5%	\$18,953	\$1,723	2.9%
Management	\$32,293	\$84,429	\$143,375	\$52,136	\$5,214	10.1%	\$58,946	\$5,359	4.9%
Admin. and Waste Services	\$17,065	\$30,438	\$45,749	\$13,373	\$1,337	6.0%	\$15,312	\$1,392	3.8%
Education	\$26,226	\$36,419	\$45,984	\$10,193	\$1,019	3.3%	\$9,565	\$870	2.1%
Health Care	\$28,818	\$35,947	\$54,682	\$7,129	\$713	2.2%	\$18,735	\$1,703	3.9%
Arts/Rec.	\$15,863	\$20,883	\$27,558	\$5,020	\$502	2.8%	\$6,675	\$607	2.6%
Accomm./Food Services	\$11,802	\$15,026	\$24,566	\$3,224	\$322	2.4%	\$9,540	\$867	4.6%
Other (ex. Public Admin.)	\$18,467	\$24,415	\$39,628	\$5,948	\$595	2.8%	\$15,213	\$1,383	4.5%
Public Admin.	\$31,185	\$47,316	\$66,151	\$16,131	\$1,613	4.3%	\$18,835	\$1,712	3.1%
Total	\$27,121	\$39,684	\$60,420	\$12,563	\$1,256	3.9%	\$20,736	\$1,885	3.9%

Source: JobsEQ; Economic & Planning Systems

Commuting

In-Commuting

The proportion of in-commuters is shown below in **Table 5**. This data includes workers who live outside of, but work within, New Braunfels. Approximately 72.1 percent of workers commute to New Braunfels from surrounding areas. From 2002 to 2021, the number of in-commuters increased by 4.1 percent annually reflecting an increase in workers who live outside the city. In-commuting has been generally stable since 2010.

Table 5. New Braunfels In-Commuting, 2002-2021

Description	2002	2010	2021	2002-2021		
				Total	Ann. #	Ann. %
New Braunfels Workers						
Live in New Braunfels	7,477	6,639	11,203	3,726	196	2.2%
In-Commuters	<u>13,492</u>	<u>18,100</u>	<u>28,988</u>	<u>15,496</u>	<u>816</u>	<u>4.1%</u>
Total	20,969	24,739	40,191	19,222	1,012	3.5%
New Braunfels Workers						
Live in New Braunfels	35.7%	26.8%	27.9%			
In-Commuters	<u>64.3%</u>	<u>73.2%</u>	<u>72.1%</u>			
Total	100.0%	100.0%	100.0%			

Source: U.S. Census Longitudinal Employer-Household Dynamics; Economic & Planning Systems

Out-Commuting

The number of out-commuters, local New Braunfels residents who work outside the city, is shown below in **Table 6**. Approximately 72.9 percent of New Braunfels residents commute outside the city for work. From 2002 to 2021, the number of out-commuters increased by 5.4 percent annually. This is an additional 1,004 out-commuters added on average each year, reflecting the greater interconnectivity along the I-35 corridor.

Table 6. New Braunfels Out-Commuting, 2002-2021

Description	2002	2010	2021	2002-2021		
				Total	Ann. #	Ann. %
New Braunfels Residents						
Work in New Braunfels	7,477	6,639	11,203	3,726	196	2.2%
Out-Commuters	<u>10,998</u>	<u>14,280</u>	<u>30,069</u>	<u>19,071</u>	<u>1,004</u>	<u>5.4%</u>
Total	18,475	20,919	41,272	22,797	1,200	4.3%
New Braunfels Residents						
Work in New Braunfels	40.5%	31.7%	27.1%			
Out-Commuters	<u>59.5%</u>	<u>68.3%</u>	<u>72.9%</u>			
Total	100.0%	100.0%	100.0%			

Source: U.S. Census Longitudinal Employer-Household Dynamics; Economic & Planning Systems

4. Market Conditions

This section provides an overview of the market conditions for various key asset classes in New Braunfels, encompassing office, retail, industrial, hospitality, and residential markets, both for-rent and for-sale.

Office Market

The office market within this section is divided into two parts: all office classes and medical office. Medical office has been distinguished as it has continued to grow even with the challenges that the COVID-19 pandemic brought to the office market.

Local and Regional Trends

From 2010 to 2023, the office market in New Braunfels outpaced that of neighboring regions. New Braunfels experienced a growth rate of 3.0 percent annually, equivalent to 60,102 square feet of office space each year. This resulted in an increase of 781,327 square feet of office space over the period, bringing New Braunfels' total office inventory to nearly 2.5 million square feet, shown in **Table 7**. In comparison, San Marcos grew at a rate of 2.2 percent annually, adding a total of 373,753 square feet of office space to reach just over 1.5 million square feet in total.

Both Austin and San Antonio have larger, more established office markets, with 114 million and 84 million square feet of office space, respectively. San Antonio, with its larger base, has grown incrementally at an annual rate of 1.2 percent. Austin is an anomaly on the national landscape, with a sizeable base and a very strong growth rate. Located between these two anchors, New Braunfels is well positioned for growth.

Table 7. Office Inventory (sq. ft.), 2010-2023

Inventory (sq. ft.)	2010	2015	2023	2010-2023			2015-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
New Braunfels	1,698,086	1,951,355	2,479,413	781,327	60,102	3.0%	528,058	66,007	3.0%
San Marcos	1,159,740	1,279,932	1,533,493	373,753	28,750	2.2%	253,561	31,695	2.3%
Austin	85,034,980	90,983,429	114,051,261	29,016,281	2,232,022	2.3%	23,067,832	2,883,479	2.9%
San Antonio	71,812,486	76,285,945	83,669,314	11,856,828	912,064	1.2%	7,383,369	922,921	1.2%

Source: CoStar; Economic & Planning Systems

Office rental rates have experienced significant growth across all regions since 2010. In New Braunfels, the average rent per square foot for office space in 2023 was \$24.09, marking a 4.1 percent annual increase since 2010 when the rent was \$14.27 per square foot, see **Table 8** and **Figure 8**. Despite being higher than both San Marcos and San Antonio, the average office space rent in New Braunfels still falls significantly below that of Austin. This rise in New Braunfels' office space rent can be attributed to location demand and the introduction of new office spaces equipped with modern amenities and improved infrastructure.

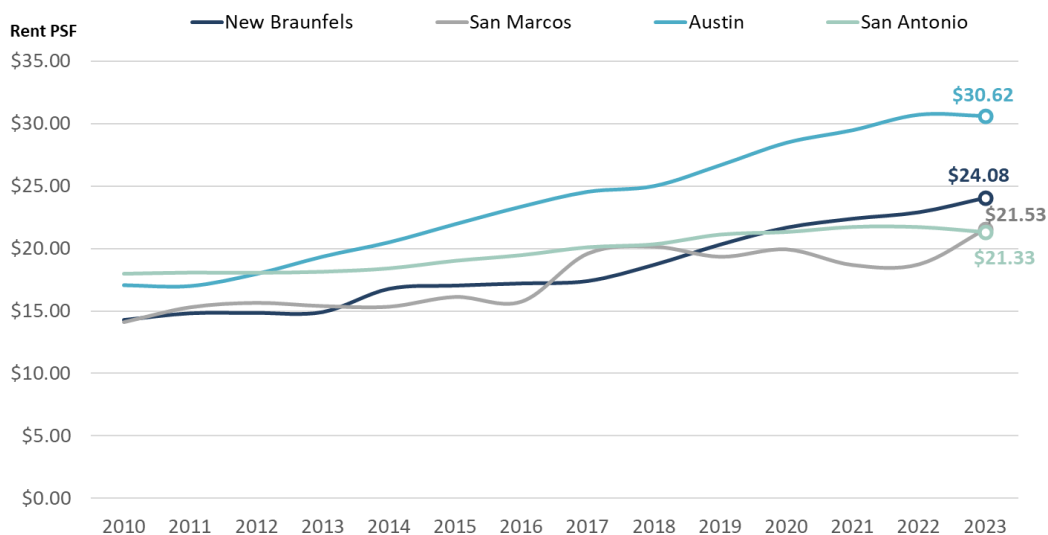
Comparatively, the average rents in San Marcos and San Antonio are \$21.53 and \$21.33 per square foot, respectively; while in Austin, the rent averages \$30.62 per square foot.

Table 8. Office Rental Rate (per sq. ft.), 2010-2023

Rent per sq. ft.	2010	2015	2023	2010-2023			2015-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
New Braunfels	\$14.27	\$17.03	\$24.08	\$9.81	\$0.75	4.1%	\$7.06	\$0.88	4.4%
San Marcos	\$14.08	\$16.10	\$21.53	\$7.45	\$0.57	3.3%	\$5.43	\$0.68	3.7%
Austin	\$17.07	\$21.96	\$30.62	\$13.55	\$1.04	4.6%	\$8.66	\$1.08	4.2%
San Antonio	\$17.95	\$19.00	\$21.33	\$3.37	\$0.26	1.3%	\$2.32	\$0.29	1.5%

Source: CoStar; Economic & Planning Systems

Figure 8. Office Rental Rate (per sq. ft.), 2010-2023



Source: CoStar; Economic & Planning Systems

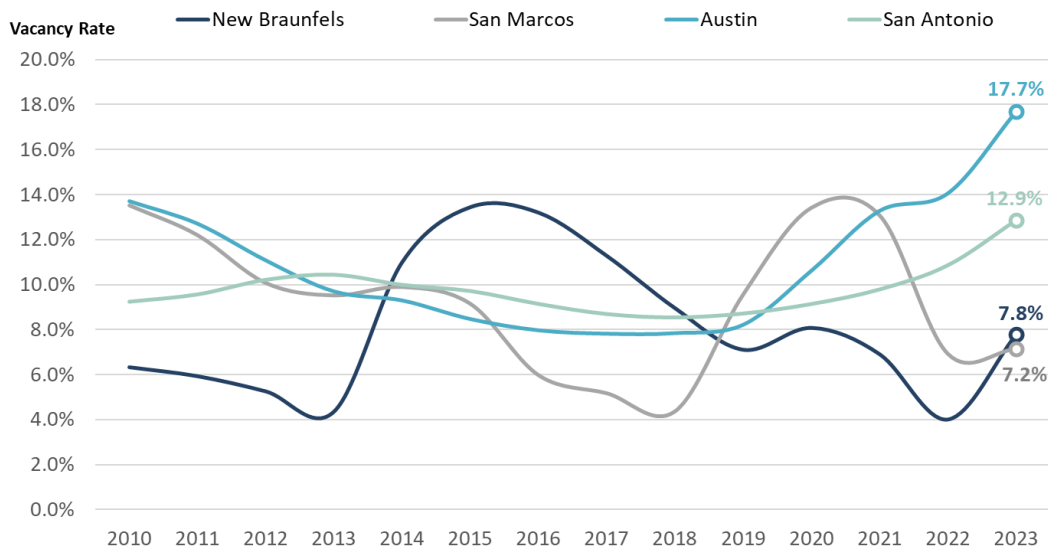
Office vacancy rates across all regions are displayed in **Table 9** and illustrated in **Figure 9**. Vacancy rates in Austin and San Antonio reached 17.7 percent and 12.9 percent, respectively in 2023. Conversely, the office vacancy rate in New Braunfels and San Marcos considerably declined, to 7.8 and 7.2 percent, respectively. Office vacancy rates have been fluctuating across the country following work-from-home, then back-to-office trends. The direction of these trends is difficult to predict, although the data suggest that the smaller regional markets, including New Braunfels, are poised to benefit from tenants who are seeking a flight to quality.

Table 9. Office Vacancy Rate, 2010-2023

Vacancy Rate	2010	2015	2023	2010-2023			2015-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
New Braunfels	6.3%	13.5%	7.8%	1.5%	0.1%	1.6%	-5.7%	-0.7%	-6.6%
San Marcos	13.5%	9.2%	7.2%	-6.4%	-0.5%	-4.8%	-2.0%	-0.3%	-3.0%
Austin	13.7%	8.5%	17.7%	4.0%	0.3%	2.0%	9.2%	1.2%	9.6%
San Antonio	9.3%	9.7%	12.9%	3.6%	0.3%	2.6%	3.2%	0.4%	3.6%

Source: CoStar; Economic & Planning Systems

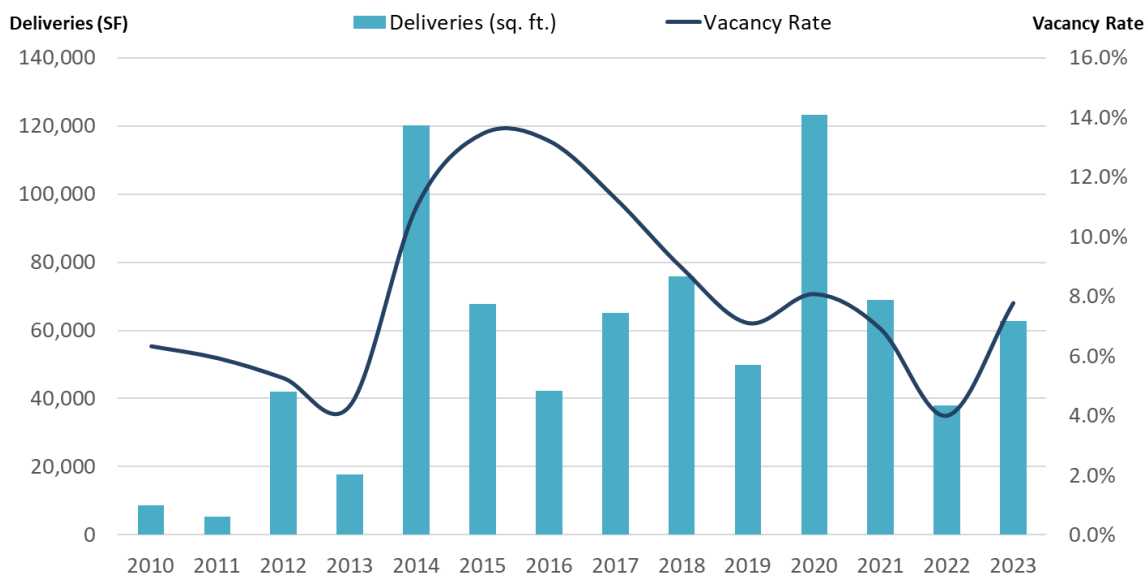
Figure 9. Office Vacancy Rate, 2010-2023



Source: CoStar; Economic & Planning Systems

The office vacancy rates in New Braunfels exhibited fluctuations between 2010 and 2023, reaching a peak high of 13.5 percent. This peak is attributed to the delivery of nearly 120,000 square feet that year, illustrated in **Figure 9**. As shown in the data, the additional office space was absorbed, and the vacancy rate gradually normalized.

Figure 10. New Braunfels Office Vacancy and Deliveries, 2010-2023



Source: CoStar; Economic & Planning Systems

Medical Office

The inventory of medical office within New Braunfels and the surrounding regions is summarized in **Table 10**. New Braunfels added a total of 375,324 square feet of medical office since 2010, increasing total inventory to roughly 900,000 square feet. San Marcos has a smaller medical office market, with just over 512,000 square feet. Austin and San Antonio, being larger and more urbanized markets, have significantly larger medical office inventories, with 9 million and 15.5 million square feet, respectively. This stark contrast in inventory size is expected given the population and urbanization levels of these regions.

Table 10. Medical Office Inventory (sq. ft.), 2010-2023

Inventory (sq. ft.)	2010	2015	2023	2010-2023			2015-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
New Braunfels	522,671	685,487	897,995	375,324	28,871	4.3%	212,508	26,564	3.4%
San Marcos	306,587	331,113	512,617	206,030	15,848	4.0%	181,504	22,688	5.6%
Austin	6,380,560	7,202,992	9,051,501	2,670,941	205,457	2.7%	1,848,509	231,064	2.9%
San Antonio	12,553,558	13,812,254	15,529,100	2,975,542	228,888	1.6%	1,716,846	214,606	1.5%

Source: CoStar; Economic & Planning Systems

In 2023, the rental rate per square foot for medical office space in New Braunfels was \$24.20, a significant increase compared to 2010 when the rate was \$13.80 per square foot as shown in **Table 11**. This rise can be attributed to the growth and popularity of the region, as well as advancements in medical technology and the growing demand for specialized infrastructure and amenities in medical facilities over the years.

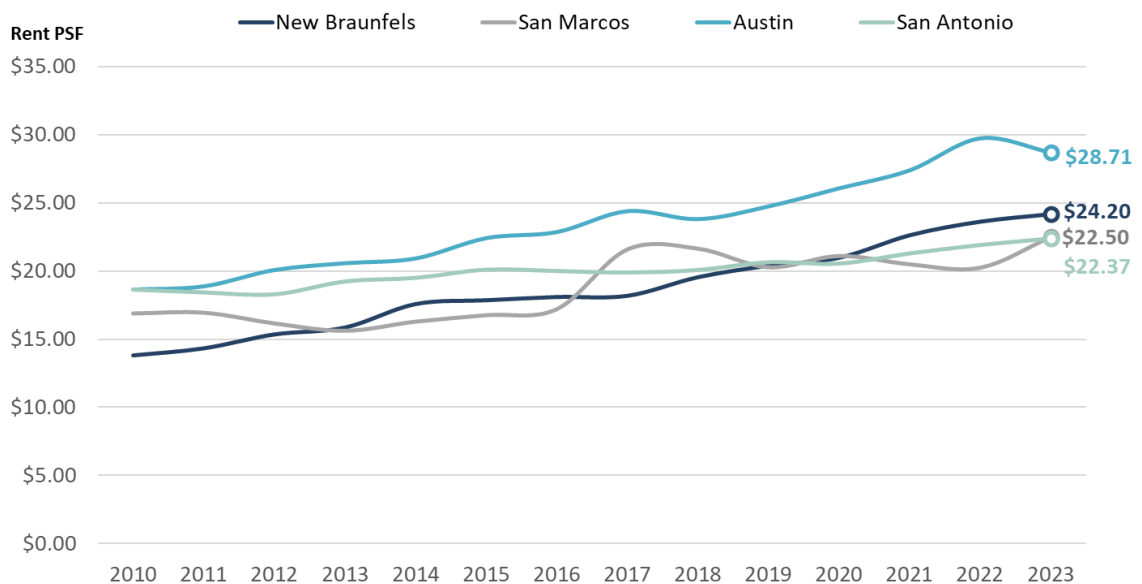
Despite the increase in rents, New Braunfels' rental rate per square foot aligns with rates in the region. Specifically, average rental rates per square foot range between \$22.37 in San Antonio and \$28.71 in Austin, as shown in **Table 11** and **Figure 11**. These variations in rental rates reflect differences in market dynamics, demand, and the quality of medical office spaces available in each region.

Table 11. Medical Office Rental Rate (per sq. ft.), 2010-2023

Rent per sq. ft.	2010	2015	2023	2010-2023			2015-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
New Braunfels	\$13.80	\$17.86	\$24.20	\$10.40	\$0.80	4.4%	\$6.34	\$0.79	3.9%
San Marcos	\$16.88	\$16.75	\$22.50	\$5.63	\$0.43	2.2%	\$5.75	\$0.72	3.8%
Austin	\$18.65	\$22.43	\$28.71	\$10.06	\$0.77	3.4%	\$6.28	\$0.79	3.1%
San Antonio	\$18.66	\$20.11	\$22.37	\$3.71	\$0.29	1.4%	\$2.27	\$0.28	1.3%

Source: CoStar; Economic & Planning Systems

Figure 11. Medical Office Rental Rate (per sq. ft.), 2010-2023



Source: CoStar; Economic & Planning Systems

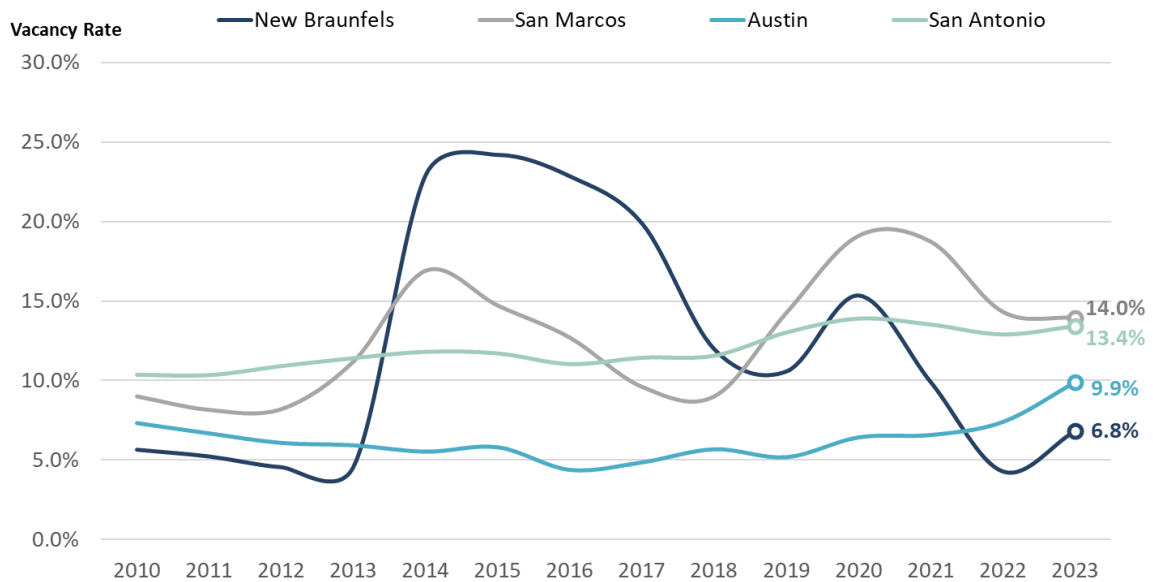
Regionally, New Braunfels had the lowest vacancy rate for medical offices at 6.8 percent, approximately half that of San Antonio and San Marcos as shown in **Table 12** and **Figure 12**. Although the vacancy rate in New Braunfels is up from 2010 when the rate was 5.7 percent it has decreased significantly since 2015 when the vacancy rate was 24.2 percent.

Table 12. Medical Office Vacancy Rate, 2010-2023

Vacancy Rate	2010	2015	2023	2010-2023			2015-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
New Braunfels	5.7%	24.2%	6.8%	1.2%	0.1%	1.5%	-17.4%	-2.2%	-14.6%
San Marcos	9.0%	14.7%	14.0%	5.0%	0.4%	3.4%	-0.8%	-0.1%	-0.7%
Austin	7.3%	5.8%	9.9%	2.6%	0.2%	2.3%	4.1%	0.5%	6.9%
San Antonio	10.4%	11.7%	13.4%	3.1%	0.2%	2.0%	1.7%	0.2%	1.7%

Source: CoStar; Economic & Planning Systems

Figure 12. Medical Office Vacancy Rate, 2010-2023

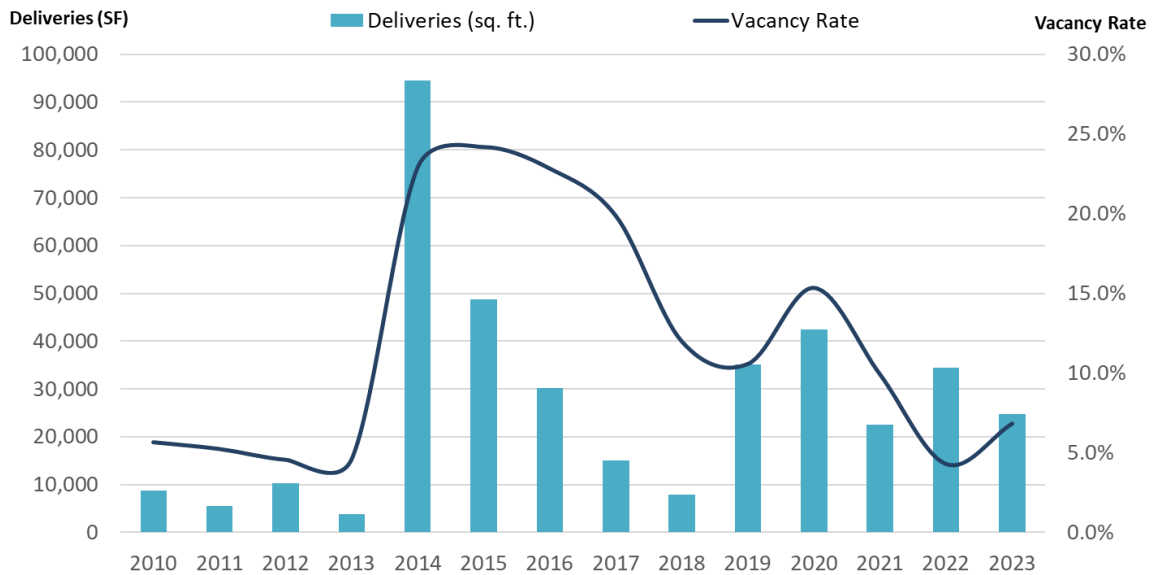


Source: CoStar; Economic & Planning Systems

Like the overall office market in New Braunfels, the medical office market is also subject to fluctuations in vacancy rates due to the introduction of new buildings to the market. These fluctuations serve as indicators of the demand for additional medical office space. Typically, after the delivery of new office space, the vacancy rate in New Braunfels rises temporarily before stabilizing as the space is absorbed by tenants.

The spike in the vacancy rate in New Braunfels in 2015 can be attributed to the delivery of the largest amount of medical office space seen in the city in the last 20 years, illustrated in **Figure 13**. Specifically, in 2014 and 2015, an estimated 143,000 square feet of medical office space was introduced to the market. Contextually, the average amount of medical office space delivered each year from 2010 to 2023 was 27,062 square feet. As this new space was absorbed over time, the vacancy rate gradually stabilized, highlighting the underlying demand for medical office space in the area.

Figure 13. New Braunfels Medical Office Vacancy and Deliveries, 2010-2023

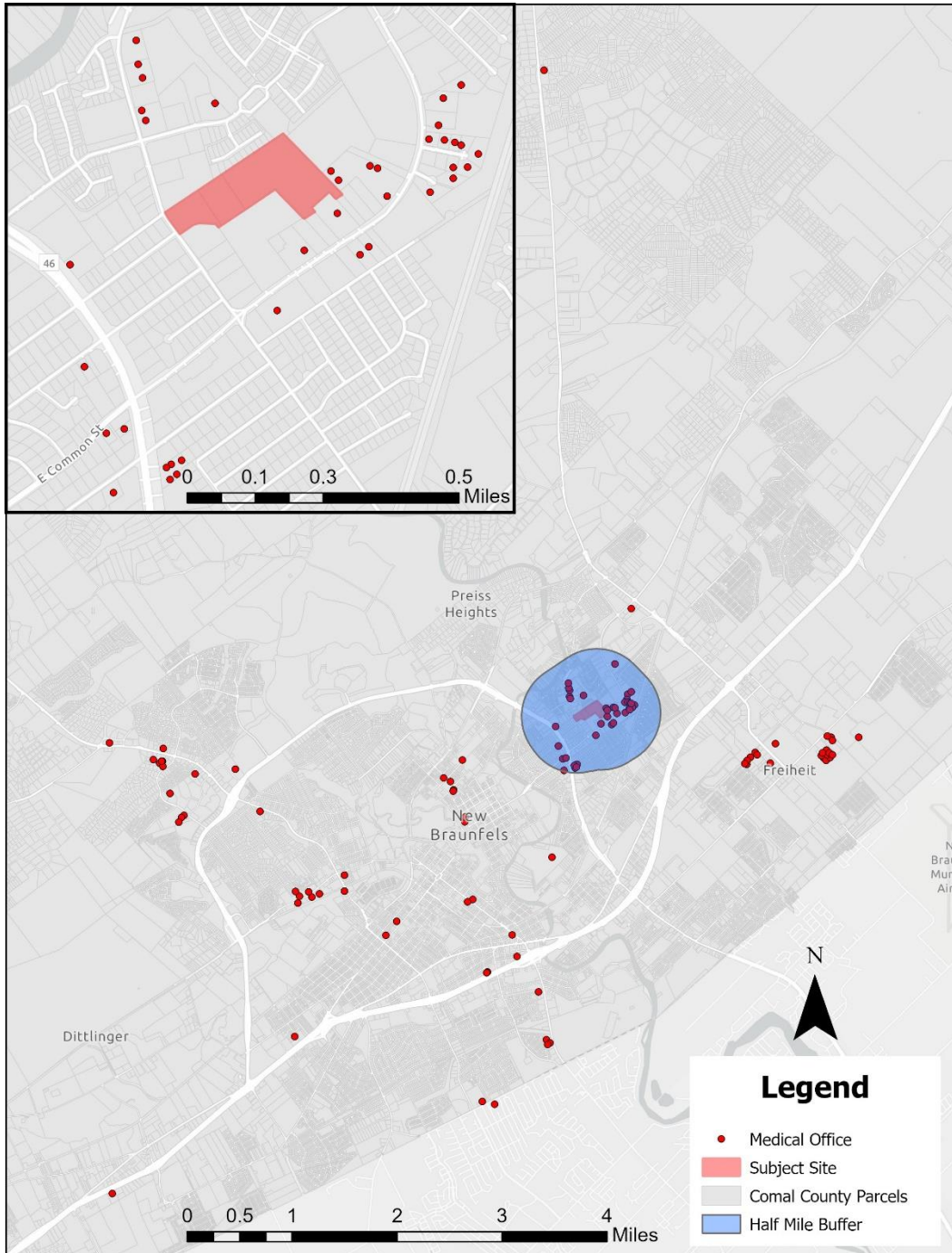


Source: CoStar; Economic & Planning Systems

Site Proximity

There are a total of 108 medical office buildings in New Braunfels, 39 of which are situated within a half-mile radius of the subject site (see **Figure 14**). Of these buildings, 78.7 percent are classified as Class B space, and 21.3 percent are Class C space. There are no Class A medical office buildings within the city limits.

Figure 14. Medical Offices near Subject Site



Retail Market

Local and Regional Trends

In 2023, New Braunfels had approximately 7.2 million square feet of retail space, as depicted in **Table 13**. Between 2010 to 2023, the City’s retail space inventory grew at a rate of 2.3 percent annually. This equated to an additional 139,860 square feet per year or an overall addition of just over 1.8 million square feet. Notably, this growth rate surpasses that of nearby cities by more than double.

San Marcos grew at a rate of 0.7 percent annually, resulting in a total retail space inventory of approximately 5.9 million square feet. Austin experienced a growth rate of 0.5 percent yearly and has approximately 67 million square feet of retail space. Meanwhile, San Antonio’s growth rate stood at 0.9 percent annually, resulting in a total of approximately 116.5 million square feet.

The accelerated growth of retail space in New Braunfels can be attributed to the influx of new households with strong household income, necessitating the addition of new retail establishments to cater to the growing population. In contrast, San Antonio and Austin, being more established markets, exhibit slower growth rates due to extensive retail infrastructure in place.

Table 13. Retail Inventory (sq. ft.), 2010-2023

Inventory (sq. ft.)	2010	2015	2023	2010-2023			2015-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
New Braunfels	5,402,817	6,204,098	7,220,998	1,818,181	139,860	2.3%	1,016,900	127,113	1.9%
San Marcos	5,415,801	5,604,286	5,893,668	477,867	36,759	0.7%	289,382	36,173	0.6%
Austin	62,616,081	64,594,004	66,761,364	4,145,283	318,868	0.5%	2,167,360	270,920	0.4%
San Antonio	103,235,611	108,867,818	116,493,618	13,258,007	1,019,847	0.9%	7,625,800	953,225	0.8%

Source: CoStar; Economic & Planning Systems

In 2023, the average retail rental rate per square foot in New Braunfels was \$24.84, while in San Marcos it was \$25.56. Comparatively, the average retail rent in Austin was \$19.85 per square foot, and in San Antonio it was \$18.38, shown in **Table 14** and **Figure 15**.

The higher rents observed in New Braunfels and San Marcos can be attributed to the maturity of their respective retail markets. Austin and San Antonio, being more established retail hubs, boast a greater supply of retail space, leading to more competitive pricing among landlords. In contrast, New Braunfels and San Marcos have a more limited supply of retail space, resulting in higher rents as landlords capitalize on the limited inventory of available properties.

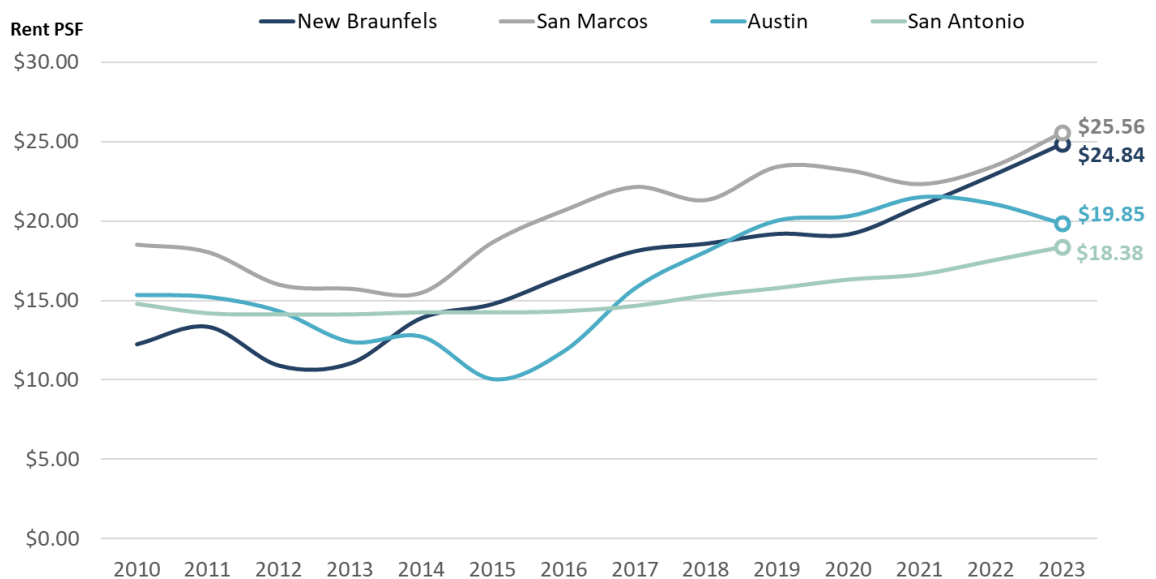
The combination of high rents and low vacancy rates in New Braunfels suggests a strong demand for retail space in the area.

Table 14. Retail Rental Rate (per sq. ft.), 2010-2023

Rental Rate	2010	2015	2023	2010-2023			2015-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
New Braunfels	\$12.26	\$14.78	\$24.84	\$12.58	\$0.97	5.6%	\$10.06	\$1.26	6.7%
San Marcos	\$18.52	\$18.67	\$25.56	\$7.04	\$0.54	2.5%	\$6.89	\$0.86	4.0%
Austin	\$15.35	\$10.04	\$19.85	\$4.50	\$0.35	2.0%	\$9.82	\$1.23	8.9%
San Antonio	\$14.79	\$14.25	\$18.38	\$3.60	\$0.28	1.7%	\$4.14	\$0.52	3.2%

Source: CoStar; Economic & Planning Systems

Figure 15. Retail Rental Rate (per sq. ft.), 2010-2023



Source: CoStar; Economic & Planning Systems

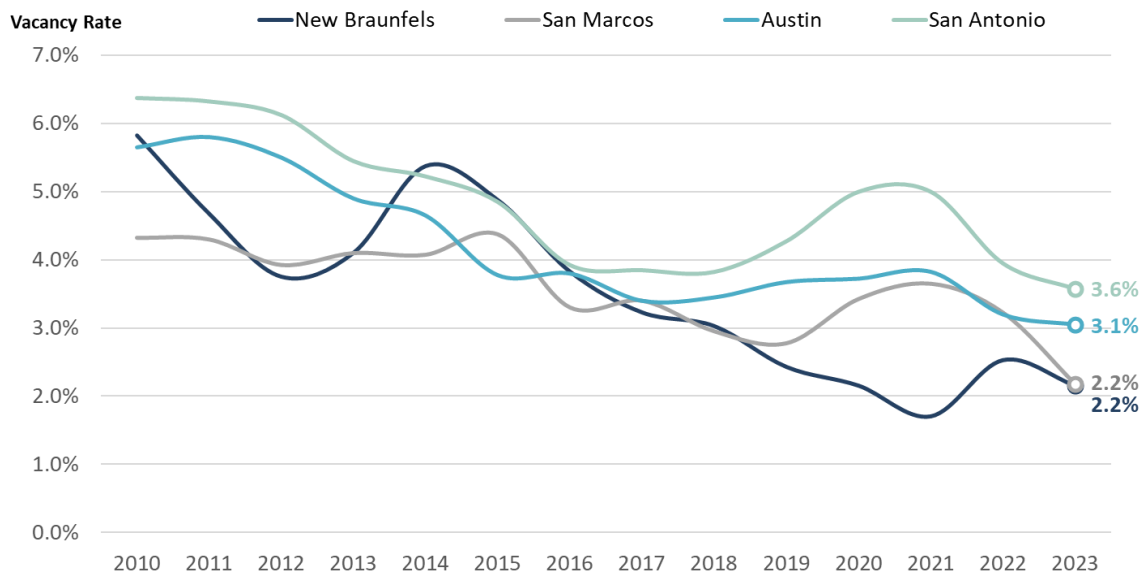
Since 2010, each of the cities have experienced all-time low vacancy rates, as depicted in **Table 15** and **Figure 16**. Both New Braunfels and San Marcos show vacancy rates of 2.2 percent, indicating strong demand and activity in their retail markets. Austin follows closely with a vacancy rate of 3.1 percent, while San Antonio's vacancy rate is slightly higher at 3.6 percent. Low vacancy rates in retail markets typically signify a healthy local economy with strong consumer spending and business activity.

Table 15. Retail Vacancy Rate, 2010-2023

Vacancy Rate	2010	2015	2023	2010-2023			2015-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
New Braunfels	5.8%	4.9%	2.2%	-3.7%	-0.3%	-7.4%	-2.7%	-0.3%	-9.7%
San Marcos	4.3%	4.4%	2.2%	-2.2%	-0.2%	-5.2%	-2.2%	-0.3%	-8.4%
Austin	5.7%	3.8%	3.1%	-2.6%	-0.2%	-4.6%	-0.7%	-0.1%	-2.6%
San Antonio	6.4%	4.9%	3.6%	-2.8%	-0.2%	-4.4%	-1.3%	-0.2%	-3.7%

Source: CoStar; Economic & Planning Systems

Figure 16. Retail Vacancy Rate, 2010-2023



Source: CoStar; Economic & Planning Systems

Industrial Market

Local and Regional Trends

In New Braunfels, there are approximately 6.8 million square feet of industrial space, making it the smallest of the industrial markets when compared to the neighboring regions, shown in **Table 16**. In contrast, San Marcos has roughly 7.4 million square feet of industrial space. Meanwhile, Austin's industrial space is estimated at 84 million square feet, and San Antonio leads with a substantial 130.4 million square feet of industrial space. New Braunfels' industrial market has grown slowly since 2010, increasing at an annual rate of 1.5 percent or an average of 91,434 square feet each year.

Table 16. Industrial Inventory (sq. ft.), 2010-2023

Inventory (sq. ft.)	2010	2015	2023	2010-2023			2015-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
New Braunfels	5,589,291	5,806,160	6,777,937	1,188,646	91,434	1.5%	971,777	121,472	2.0%
San Marcos	3,604,263	4,069,901	7,367,514	3,763,251	289,481	5.7%	3,297,613	412,202	7.7%
Austin	70,284,223	70,883,200	83,766,240	13,482,017	1,037,078	1.4%	12,883,040	1,610,380	2.1%
San Antonio	98,416,713	102,487,006	130,355,461	31,938,748	2,456,827	2.2%	27,868,455	3,483,557	3.1%

Source: CoStar; Economic & Planning Systems

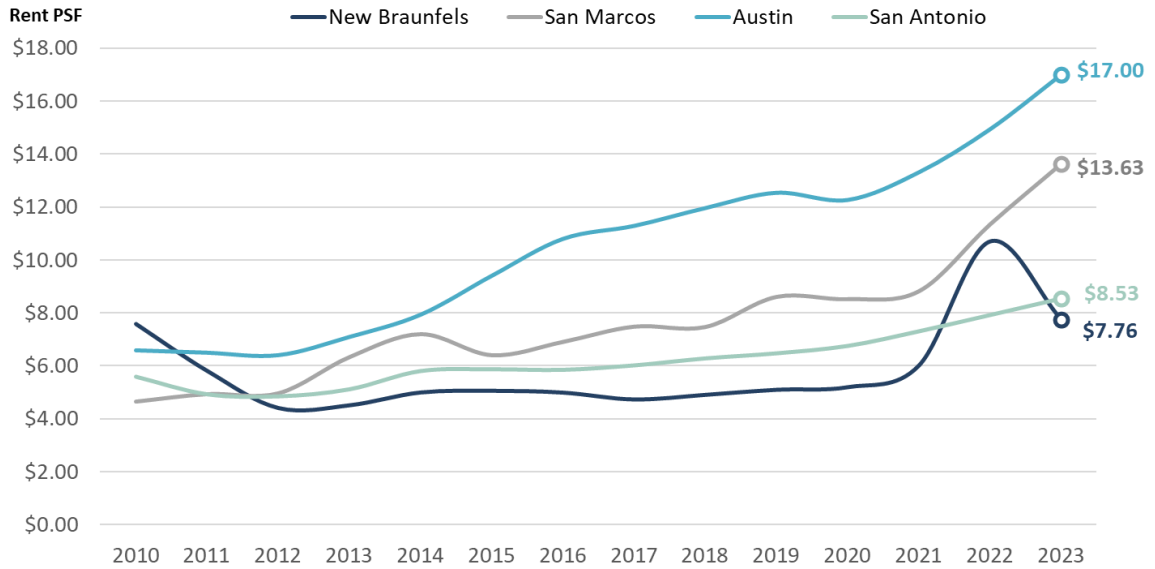
The industrial rent rate in New Braunfels is \$7.76, showing a modest increase of only 0.2 percent annually since 2010, see **Table 17** and **Figure 17**. This affordability, particularly when compared to nearby San Marcos' rental rate of \$13.63 per square foot, and Austin's \$17.00 per square foot, makes New Braunfels an attractive option for businesses.

Table 17. Industrial Rental Rate (per sq. ft.), 2010-2023

Rental Rate	2010	2015	2023	2010-2023			2015-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
New Braunfels	\$7.58	\$5.05	\$7.76	\$0.18	\$0.01	0.2%	\$2.71	\$0.34	5.5%
San Marcos	\$4.67	\$6.42	\$13.63	\$8.96	\$0.69	8.6%	\$7.21	\$0.90	9.9%
Austin	\$6.60	\$9.41	\$17.00	\$10.40	\$0.80	7.6%	\$7.59	\$0.95	7.7%
San Antonio	\$5.58	\$5.86	\$8.53	\$2.95	\$0.23	3.3%	\$2.67	\$0.33	4.8%

Source: CoStar; Economic & Planning Systems

Figure 17. Industrial Rental Rate (per sq. ft.), 2010-2023



Source: CoStar; Economic & Planning Systems

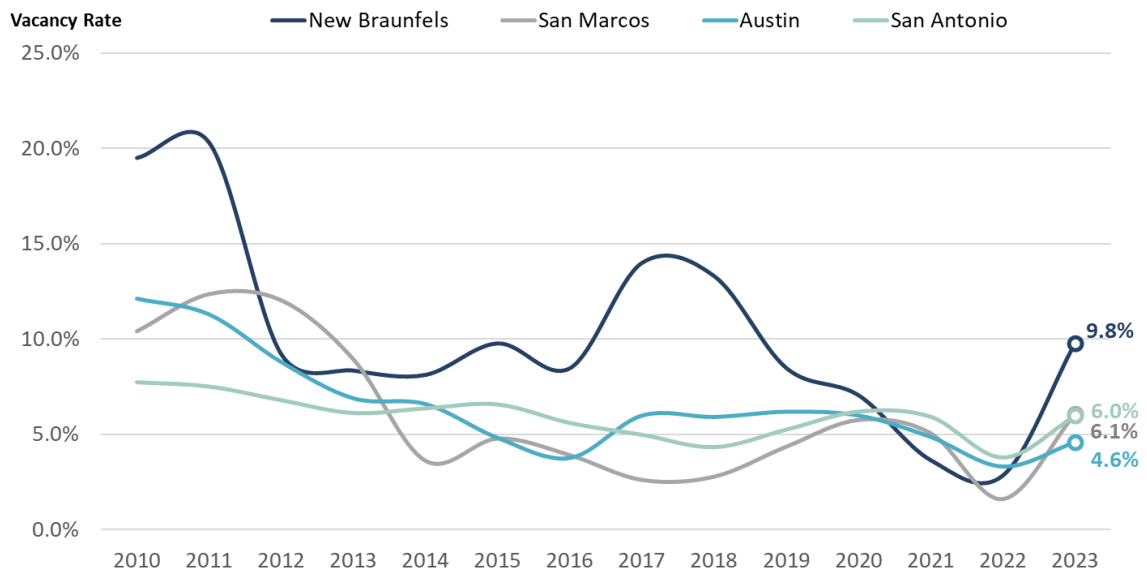
Vacancy rates for industrial space in New Braunfels have decreased significantly since 2010 but are comparable to 2015, currently standing at 9.8 percent, shown in **Table 18** and **Figure 18**. While this rate is relatively high compared to neighboring regions, the recent delivery of 251,000 square feet of industrial space in 2022 suggests that the rate (which is higher than the recent past) will drop as recently delivered space is absorbed.

Table 18. Industrial Vacancy Rate, 2010-2023

Vacancy Rate	2010	2015	2023	2010-2023			2015-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
New Braunfels	19.5%	9.8%	9.8%	-9.7%	-0.7%	-5.2%	0.0%	0.0%	0.0%
San Marcos	10.4%	4.8%	6.1%	-4.3%	-0.3%	-4.1%	1.3%	0.2%	3.1%
Austin	12.1%	4.8%	4.6%	-7.5%	-0.6%	-7.2%	-0.2%	0.0%	-0.6%
San Antonio	7.8%	6.6%	6.0%	-1.8%	-0.1%	-2.0%	-0.6%	-0.1%	-1.2%

Source: CoStar; Economic & Planning Systems

Figure 18. Industrial Vacancy Rate, 2010-2023



Source: CoStar; Economic & Planning Systems

Hospitality

The hospitality market within this section is divided into two parts: all hotels and a spotlight on luxury/economy hotels. Luxury and economy hotels were broken out to document the differences in occupancy and inventory.

Local and Regional Trends

As of 2023, New Braunfels had 2,587 hotel rooms, as shown in **Table 19**. This inventory has remained relatively flat since 2010 when there were 2,413 rooms in the city. Meanwhile, San Marcos had 2,382 hotel rooms, showing growth at an average annual rate of 3.5 percent since 2010. Austin and San Antonio have much larger and more established hospitality markets, with 35,182 and 43,315 hotel rooms respectively.

Table 19. Hospitality Inventory (Rooms), 2010-2023

Inventory (rooms)	2010	2015	2023	2010-2023			2015-2023		
				Total Ann. #	Ann. %		Total Ann. #	Ann. %	
New Braunfels	2,413	2,495	2,587	174	13	0.5%	92	12	0.5%
San Marcos	1,532	1,888	2,382	850	65	3.5%	494	62	2.9%
Austin	22,371	26,039	35,182	12,811	985	3.5%	9,143	1,143	3.8%
San Antonio	38,788	40,501	43,315	4,527	348	0.9%	2,814	352	0.8%

Source: CoStar; Economic & Planning Systems

The average daily rate (ADR) for hotels across all regions has more than recovered since the COVID-19 pandemic. In New Braunfels, the ADR in 2023 stood at \$129.55, reflecting a 3.1 percent annual increase since 2010, when the ADR was \$87.17, as shown in **Table 20** and **Figure 19**. Similarly, the ADR in San Marcos was \$120.77. In Austin, the ADR was much higher at \$180.04, and in San Antonio it was \$130.01.

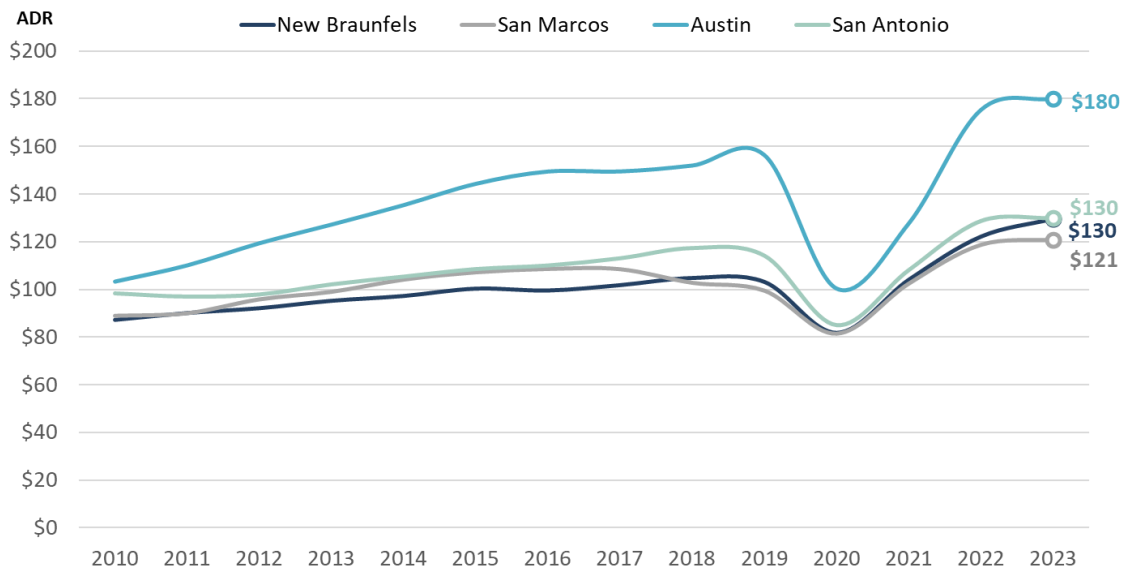
These ADR figures indicate that hotel room rates have not only rebounded but also surpassed pre-pandemic levels in most regions. The increase in ADR suggests a recovery in demand for accommodations.

Table 20. Hospitality Average Daily Rate, 2010-2023

Average Daily Rate	2010	2015	2023	2010-2023			2015-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
New Braunfels	\$87.17	\$100.27	\$129.55	\$42.38	\$3.26	3.1%	\$29.28	\$3.66	3.3%
San Marcos	\$89.03	\$107.14	\$120.77	\$31.75	\$2.44	2.4%	\$13.63	\$1.70	1.5%
Austin	\$103.20	\$144.27	\$180.04	\$76.85	\$5.91	4.4%	\$35.77	\$4.47	2.8%
San Antonio	\$98.35	\$108.55	\$130.01	\$31.67	\$2.44	2.2%	\$21.46	\$2.68	2.3%

Source: CoStar; Economic & Planning Systems

Figure 19. Hospitality Average Daily Rate, 2010-2023



Source: CoStar; Economic & Planning Systems

While normal hotel occupancy levels can vary regionally, generally an annualized rate above 60 percent is considered healthy, with metrics above 65 percent suggesting that ADR can increase. Many developers look to an occupancy rate of 70 percent to indicate the market can support new inventory.

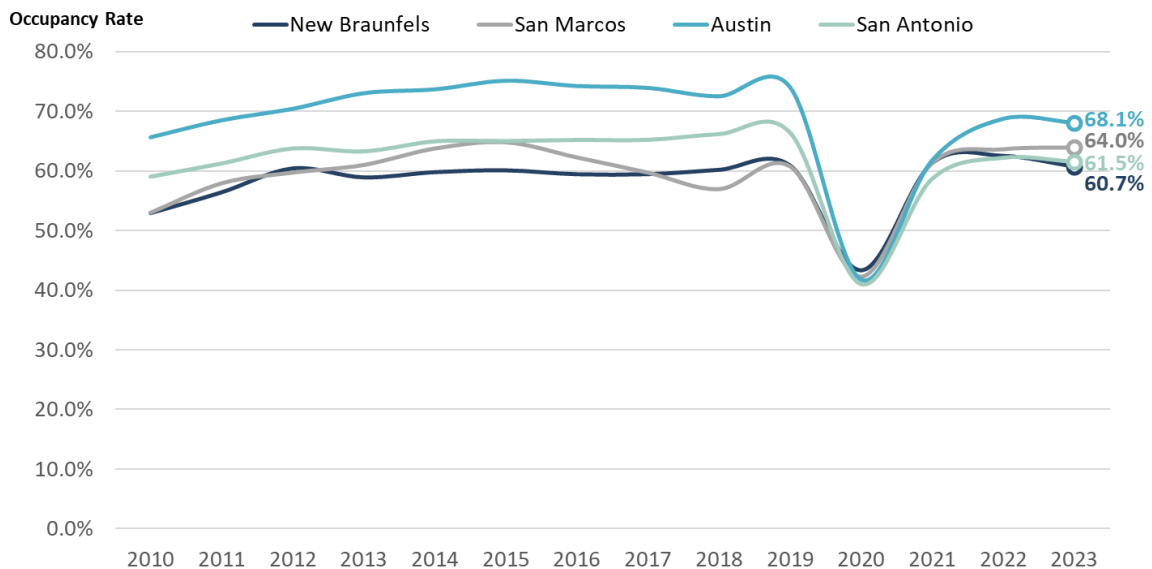
The occupancy rates of New Braunfels and the surrounding regions all fall within this range, as displayed in **Table 21** and **Figure 20**. New Braunfels’ annualized occupancy rate of 60.7 percent in 2023 reflects an increase of 1.1 percent since 2010 when the rate was 52.9 percent. San Marcos had an average occupancy rate of 64.0 percent, up 1.5 percent annually since 2010.

Table 21. Hospitality Occupancy Rate, 2010-2023

Occupancy Rate	2010	2015	2023	2010-2023			2015-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
New Braunfels	52.9%	60.1%	60.7%	7.8%	0.6%	1.1%	0.6%	0.1%	0.1%
San Marcos	53.0%	64.8%	64.0%	10.9%	0.8%	1.5%	-0.9%	-0.1%	-0.2%
Austin	65.6%	75.1%	68.1%	2.5%	0.2%	0.3%	-7.0%	-0.9%	-1.2%
San Antonio	59.0%	65.0%	61.5%	2.5%	0.2%	0.3%	-3.5%	-0.4%	-0.7%

Source: CoStar; Economic & Planning Systems

Figure 20. Hospitality Occupancy Rate, 2010-2023



Source: CoStar; Economic & Planning Systems

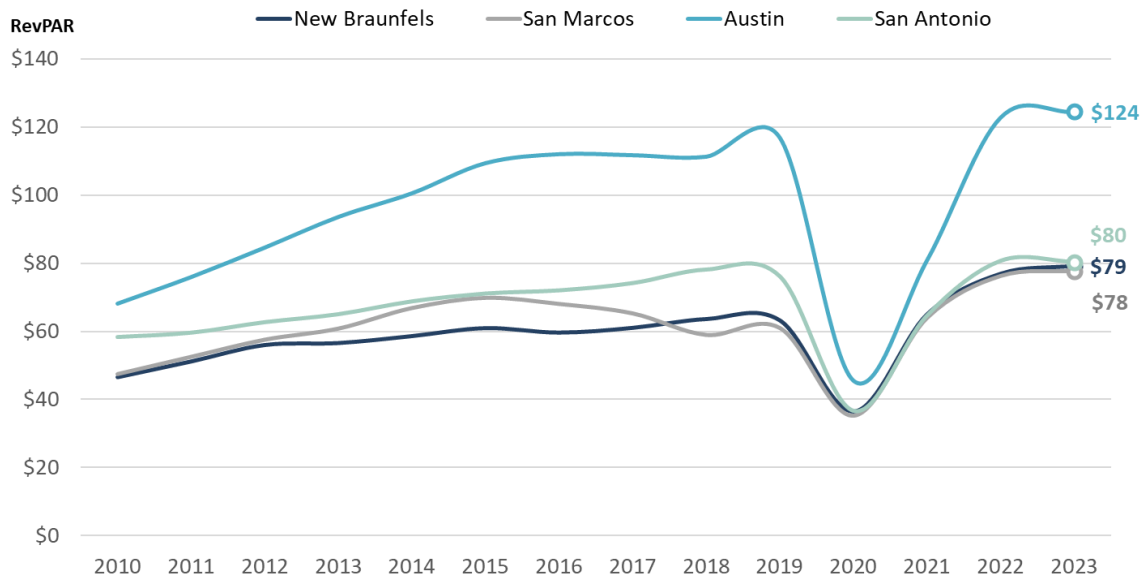
RevPAR, or revenue per available room, increased across all regions and has recovered from the pandemic. In New Braunfels, the RevPAR of \$79.18 reflects a 4.2 percent annual increase since 2010 when it was \$46.45, shown in **Table 22** and **Figure 21**. This figure surpasses San Marcos’ average RevPAR of \$77.75 and is comparable to San Antonio’s RevPAR of \$80.35. However, Austin has the highest revenue per available room of \$124.45, indicating strong performance in the hospitality sector.

Table 22. Hospitality RevPAR, 2010-2023

RevPAR	2010	2015	2023	2010-2023			2015-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
New Braunfels	\$46.45	\$60.87	\$79.18	\$32.72	\$2.52	4.2%	\$18.31	\$2.29	3.3%
San Marcos	\$47.38	\$69.80	\$77.75	\$30.37	\$2.34	3.9%	\$7.95	\$0.99	1.4%
Austin	\$68.12	\$109.41	\$124.45	\$56.33	\$4.33	4.7%	\$15.05	\$1.88	1.6%
San Antonio	\$58.26	\$71.05	\$80.35	\$22.09	\$1.70	2.5%	\$9.29	\$1.16	1.5%

Source: CoStar; Economic & Planning Systems

Figure 21. Hospitality RevPAR, 2010-2023



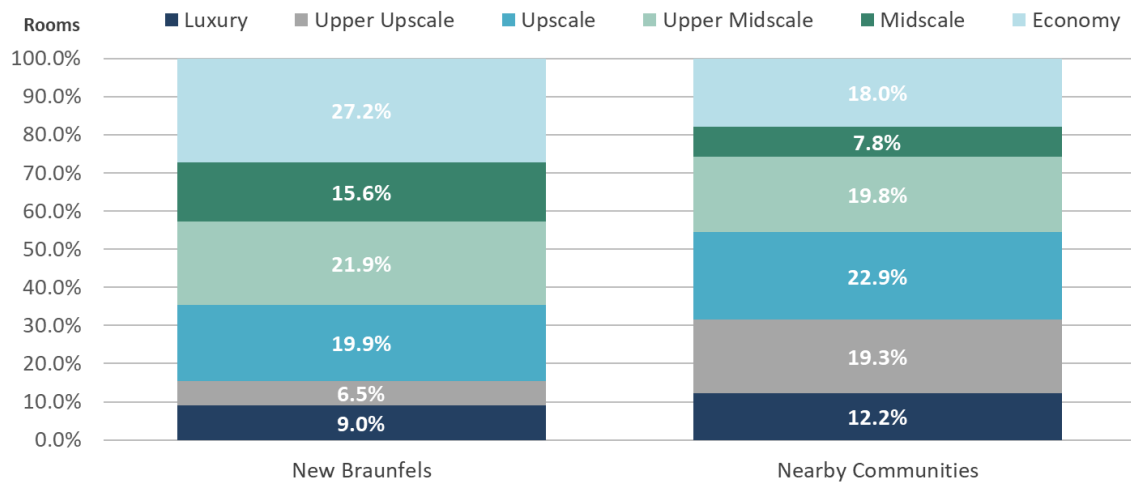
Source: CoStar; Economic & Planning Systems

Luxury and Economy Hotels

The classification of the 2023 hotel inventory in New Braunfels and the nearby communities (San Antonio, Austin, and San Marcos) is shown below in **Figure 22**. Of the 2,587 rooms available in New Braunfels, 35.4 percent are categorized as Upscale, Upper Upscale, or Luxury. The remaining 64.6 percent of the rooms are categorized as Economy, Midscale, or Upper Midscale. In the nearby communities, 54.4 are categorized as Upscale, Upper Upscale, or Luxury and 46.6 percent are categorized as Economy, Midscale, or Upper Midscale.

For the purposes of this analysis, the hotels categorized as Upscale to Luxury are referred to as Upper Tier, while those categorized as Economy to Upper Midscale are referred to as Lower to Mid-Tier. The lower rate of Upper Tier hotels in New Braunfels as compared to San Antonio, Austin, and San Marcos can be viewed as a potential development opportunity in the future.

Figure 22. Hospitality Inventory by Class, 2023



Source: CoStar; Economic & Planning Systems

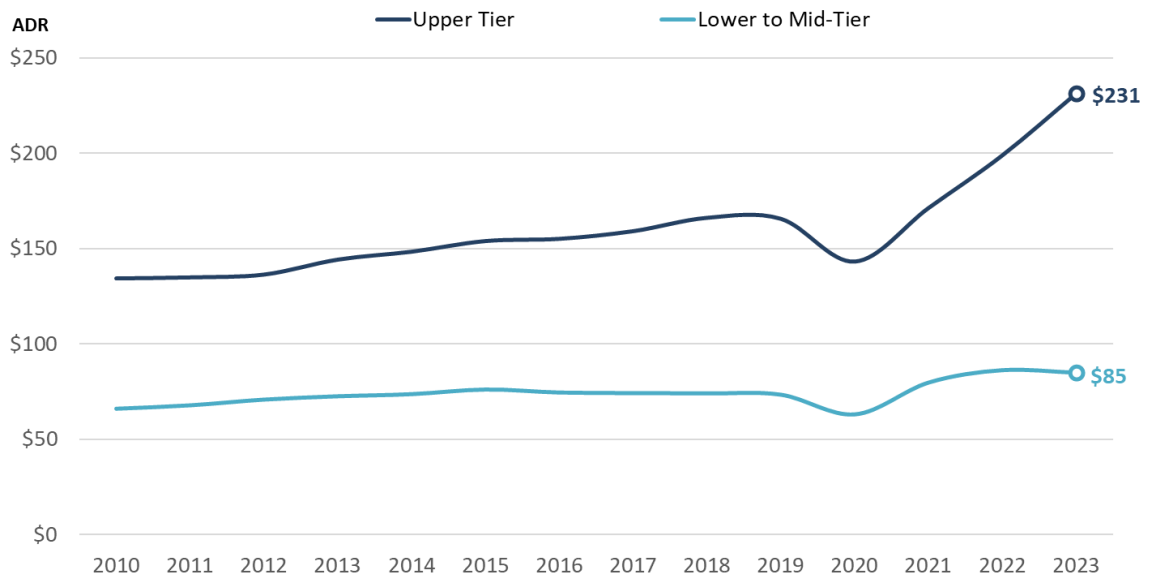
In 2023, the average daily rate for an Upper Tier hotel room in New Braunfels was \$231.20, an increase of \$97.03 since 2010. Lower to Mid-Tier average daily rates are \$84.92, which is only up a total of \$18.69 since 2010 when the ADR was \$66.23, shown in **Table 23** and **Figure 23**. This significant difference in ADR between the tiers reflects the premium pricing and higher room rates associated with Upper Tier hotels, which typically offer luxury amenities, upscale services, and superior accommodations.

Table 23. New Braunfels Hospitality ADR by Tier, 2023

Average Daily Rate	2010	2015	2023	2010-2023			2015-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
Upper Tier	\$134.17	\$153.79	\$231.20	\$97.03	\$7.46	4.3%	\$77.41	\$9.68	5.2%
Lower to Mid-Tier	\$66.23	\$76.21	\$84.92	\$18.69	\$1.44	1.9%	\$8.72	\$1.09	1.4%

Source: CoStar; Economic & Planning Systems

Figure 23. New Braunfels Hospitality ADR by Tier, 2010-2023



Source: CoStar; Economic & Planning Systems

The revenue per available room (RevPAR) for both Upper Tier and Lower to Mid-Tier hotels has also risen between 2010 and 2023. In New Braunfels, the RevPAR for Upper Tier hotel rooms was \$153.72, significantly higher than the RevPAR for Lower to Mid-Tier rooms, which was \$49.87, see **Table 24** and **Figure 24**.

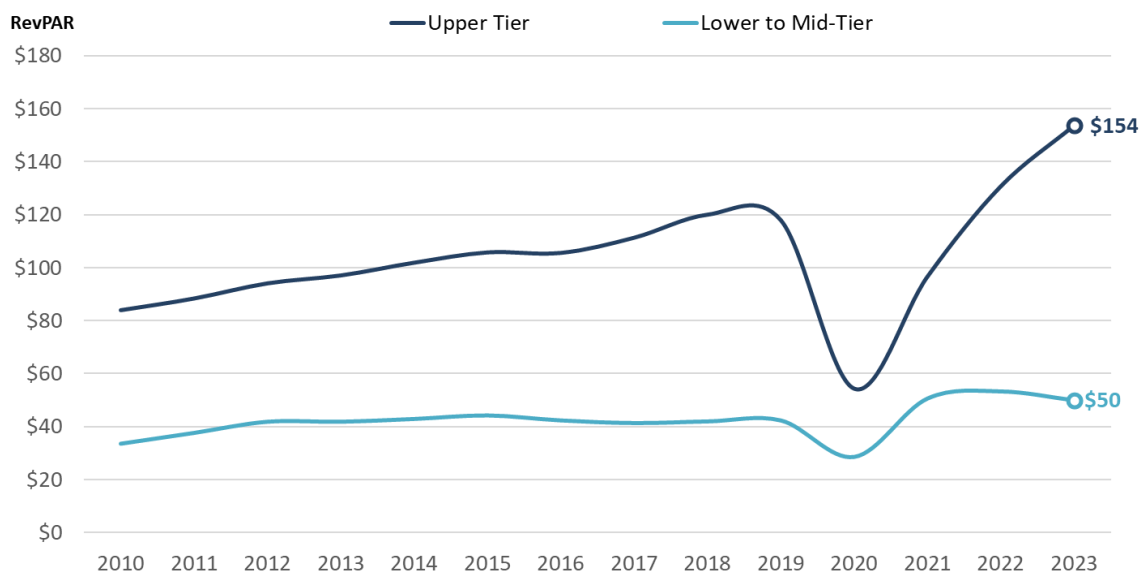
During the COVID-19 pandemic, the RevPAR of all hotels suffered, reflecting decreased demand and occupancy rates. However, in New Braunfels, the revenue has more than recovered, surpassing pre-pandemic levels.

Table 24. New Braunfels Hospitality RevPAR by Tier, 2010-2023

RevPAR	2010	2015	2023	2010-2023			2015-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
Upper Tier	\$84.00	\$105.79	\$153.72	\$69.73	\$5.36	4.8%	\$47.93	\$5.99	4.8%
Lower to Mid-Tier	\$33.53	\$44.17	\$49.87	\$16.34	\$1.26	3.1%	\$5.70	\$0.71	1.5%

Source: CoStar; Economic & Planning Systems

Figure 24. New Braunfels Hospitality RevPAR by Tier, 2010-2023



Source: CoStar; Economic & Planning Systems

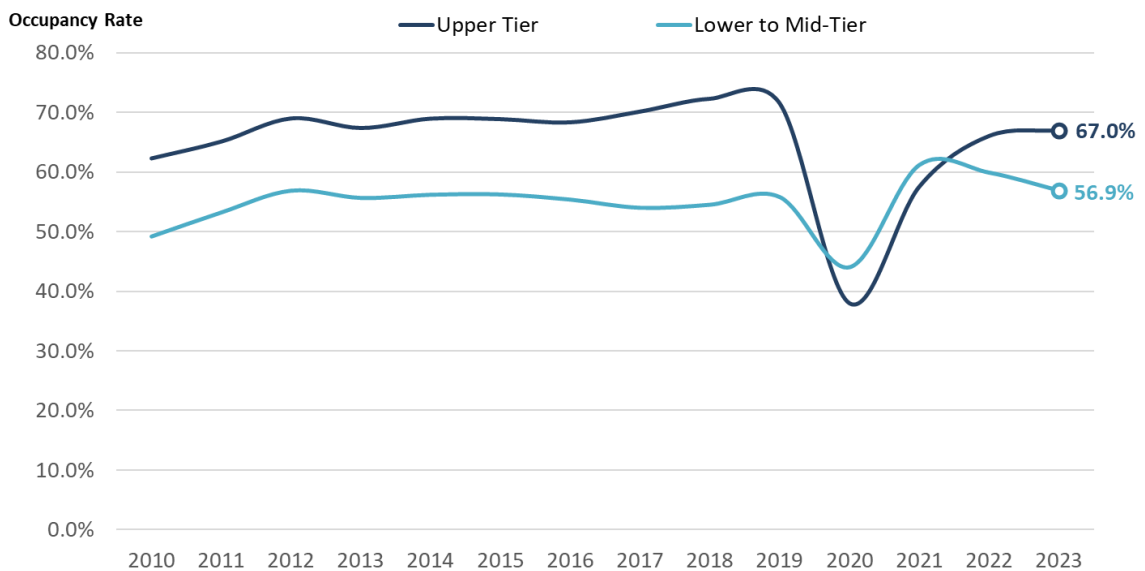
In 2023, hospitality occupancy rates in New Braunfels were 67.0 percent for Upper Tier hotels and 56.9 percent for Lower to Mid-Tier hotels, as shown in **Table 25** and **Figure 25**. While not at their peak, both categories of hotels have increased since 2010. The higher occupancy rates for Upper Tier hotel rooms suggest a demand and consumer appetite for more upscale and luxury hotels in New Braunfels, mirroring increasing demand seen for upper-end product across the country.

Table 25. New Braunfels Hospitality Occupancy Rate by Tier, 2010-2023

Occupancy Rate	2010	2015	2023	2010-2023			2015-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
Upper Tier	62.3%	68.9%	67.0%	4.7%	0.4%	0.6%	-1.9%	-0.2%	-0.3%
Lower to Mid-Tier	49.2%	56.2%	56.9%	7.7%	0.6%	1.1%	0.7%	0.1%	0.1%

Source: CoStar; Economic & Planning Systems

Figure 25. New Braunfels Hospitality Occupancy Rate by Tier, 2010-2023



Source: CoStar; Economic & Planning Systems

Multifamily Rental Market

Local and Regional Trends

The rental market in New Braunfels has seen significant expansion since 2010. During this period, multifamily units have grown by an impressive 8.0 percent annually, with an average addition of 569 units per year, bringing the 2023 total to 11,674 units as shown in **Table 26**. San Marcos’ multifamily rental inventory grew by 3.6 percent annually since 2010, resulting in a total of 10,303 units. Austin and San Antonio multifamily units increased by 3.5 percent and 2.8 percent, respectively.

Table 26. Multifamily Inventory (units), 2010-2023

Inventory (units)	2010	2015	2023	2010-2023			2015-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
New Braunfels	4,283	6,170	11,674	7,391	569	8.0%	5,504	688	8.3%
San Marcos	6,474	7,306	10,303	3,829	295	3.6%	2,997	375	4.4%
Austin	156,700	179,377	245,647	88,947	6,842	3.5%	66,270	8,284	4.0%
San Antonio	162,791	184,699	232,269	69,478	5,344	2.8%	47,570	5,946	2.9%

Source: CoStar; Economic & Planning Systems

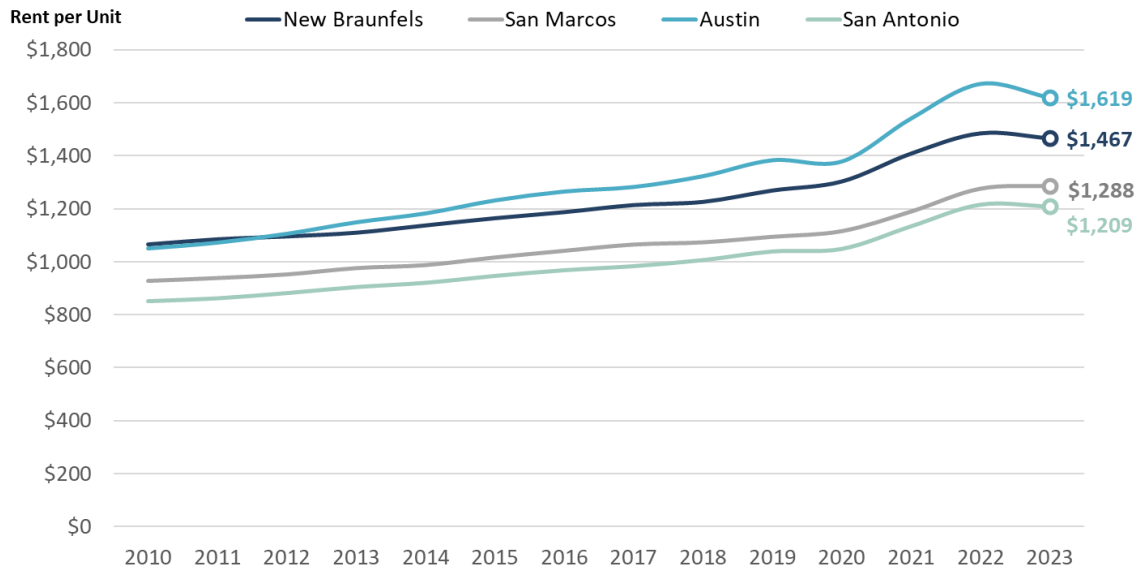
The average multifamily rental rate in New Braunfels was \$1,467 in 2023, an increase of 2.5 percent or \$401.50 since 2010 as shown in **Table 27**. Austin had an average multifamily rent of \$1,619 in 2023, while rents in San Marcos and San Antonio averaged \$1,288 and \$1,209, respectively. Rents in all of these regions reached a peak in 2022, see **Figure 26**, and have slightly declined since then. This decrease correlates to the rise in vacancy rates and the influx of new rental properties in the area.

Table 27. Multifamily Rent (per unit), 2010-2023

Rent per unit	2010	2015	2023	2010-2023			2015-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
New Braunfels	\$1,065	\$1,164	\$1,467	\$401.50	\$30.88	2.5%	\$302.25	\$37.78	2.9%
San Marcos	\$928	\$1,017	\$1,288	\$359.75	\$27.67	2.6%	\$270.75	\$33.84	3.0%
Austin	\$1,052	\$1,233	\$1,619	\$567.75	\$43.67	3.4%	\$386.75	\$48.34	3.5%
San Antonio	\$852	\$947	\$1,209	\$357.00	\$27.46	2.7%	\$261.50	\$32.69	3.1%

Source: CoStar; Economic & Planning Systems

Figure 26. Multifamily Rent (per unit), 2010-2023



Source: CoStar; Economic & Planning Systems

In 2023, the multifamily vacancy rate in New Braunfels was 12.3 percent. Comparatively, San Marcos, Austin, and San Antonio rates averaged 10.6 percent, as shown in **Table 28**.

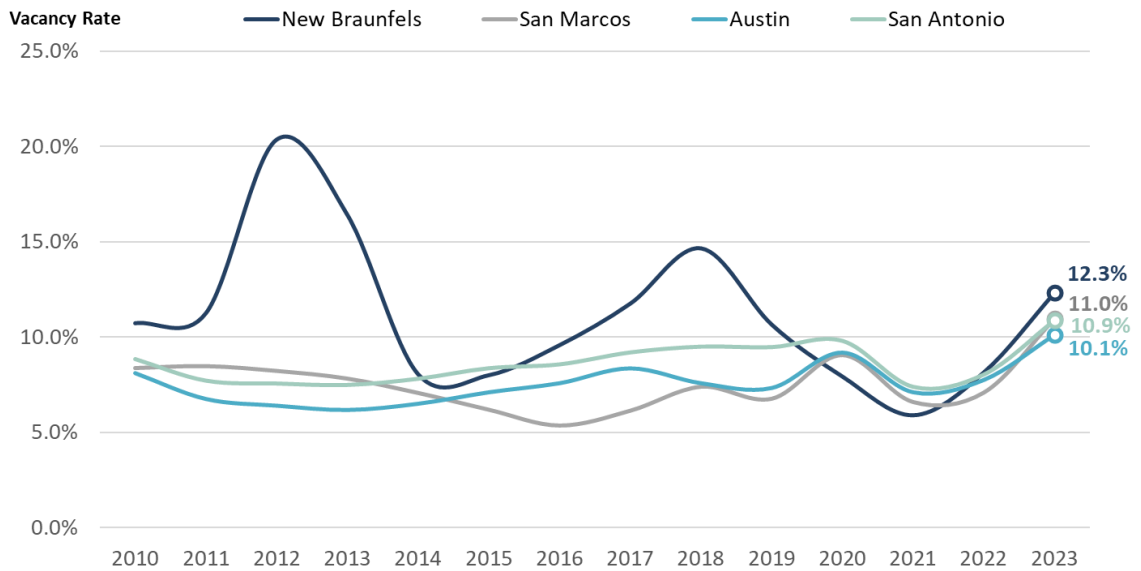
Table 28. Multifamily Vacancy Rate, 2010-2023

Vacancy Rate	2010	2015	2023	2010-2023			2015-2023		
				Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
New Braunfels	10.7%	8.0%	12.3%	1.6%	0.1%	1.1%	4.3%	0.5%	5.6%
San Marcos	8.4%	6.2%	11.0%	2.6%	0.2%	2.1%	4.8%	0.6%	7.4%
Austin	8.1%	7.1%	10.1%	2.0%	0.2%	1.7%	3.0%	0.4%	4.5%
San Antonio	8.9%	8.4%	10.9%	2.0%	0.2%	1.6%	2.5%	0.3%	3.3%

Source: CoStar; Economic & Planning Systems

In 2021, vacancy rates were notably low across these regions, indicating a high demand for multifamily units, illustrated in **Figure 27**. However, this increased demand was countered by an influx of new housing units being constructed. Given the new supply, vacancy rates are higher. The market will require consistent absorption across all of these communities before groundbreaking on a substantial number of new projects.

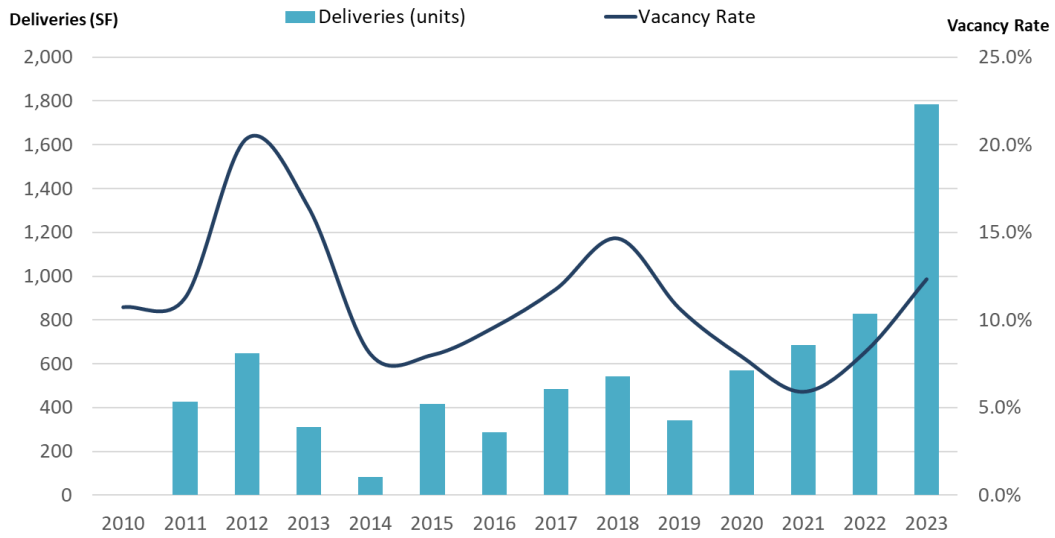
Figure 27. Multifamily Vacancy Rate, 2010-2023



Source: CoStar; Economic & Planning Systems

In 2023, New Braunfels saw a record high delivery of 1,786 multifamily units as shown in **Figure 28**. Given the historic production rate of 568 units per year since 2010, the deliveries in the past year will take approximately 3.1 years to absorb, at which point market stabilization is expected.

Figure 28. New Braunfels Multifamily Vacancy and Deliveries, 2010-2023



Source: CoStar; Economic & Planning Systems

For-Sale Residential Market

Since 2010, the for-sale housing market has experienced considerable growth across all regions, as depicted in **Table 29**. From 2010 to 2023, New Braunfels had 22,155 new starts of for-sale housing units, with just over half of those units having started between 2019 to 2023. San Marcos has started a total of 6,678 homes since 2010, Austin has started 52,829, and San Antonio has started 96,628.

Table 29. Housing Starts and Closings, 2010-2023

Description	2010	2015	2019	2020	2021	2022	2023	2010-2023		2019-2023	
								Total	Avg	Total	Avg
Starts											
New Braunfels	555	1,280	2,026	2,305	2,975	2,544	1,483	22,155	1,583	11,333	2,267
San Marcos	163	276	576	699	1,143	996	727	6,678	477	4,141	828
Austin	2,012	3,394	5,194	4,260	4,888	3,636	1,620	52,829	3,774	19,598	3,920
San Antonio	5,123	5,635	8,039	9,117	11,243	9,951	8,016	96,628	6,902	46,366	9,273
Closings											
New Braunfels	615	1,258	2,006	2,078	2,209	2,624	2,209	21,235	1,517	11,126	2,225
San Marcos	161	201	636	562	739	908	1,028	6,127	438	3,873	775
Austin	2,758	3,145	5,339	5,138	3,854	3,279	2,472	52,201	3,729	20,082	4,016
San Antonio	5,319	5,488	7,354	8,588	9,216	9,471	10,039	93,834	6,702	44,668	8,934

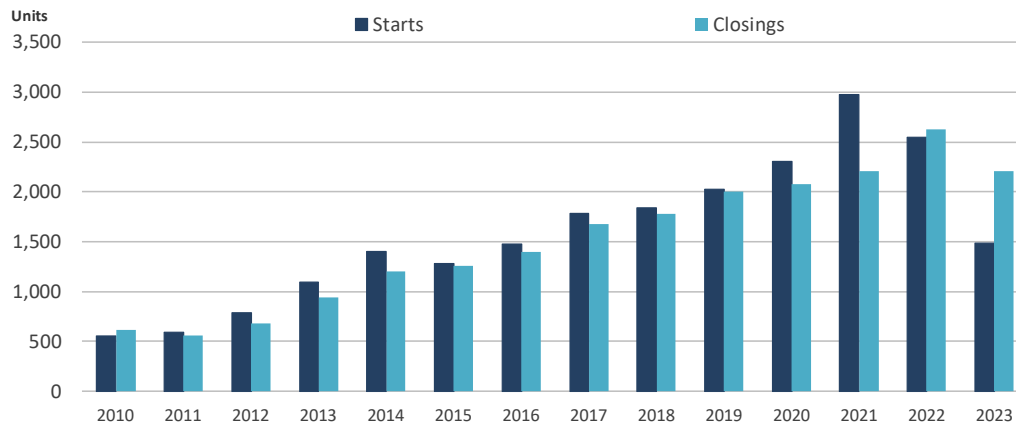
Source: Zonda; Economic & Planning Systems

The COVID-19 pandemic played a role in driving the housing market as remote work became more common, prompting buyers to seek larger living spaces outside of city centers. Consequently, homebuilders initiated a record number of homes. However, as interest rates and inflation rates increased, homebuyers became more cautious, leading to a decline in housing starts in 2022 and 2023.

Interestingly, despite the decrease in starts, closings in each of these markets exceeded the number of starts, indicating the persistent demand for housing in these specific regions. More homes closed in New Braunfels than were started in 2022 and 2023, shown in **Figure 29**. This suggests that there is still strong interest from buyers specific to the New Braunfels market, despite the larger economic factors.

Moreover, when comparing the affordability of these specific regions to other markets in Texas, it is evident that there remains significant demand for housing. This suggests that despite challenges such as rising interest rates and inflation, the strength of the New Braunfels region continues to attract buyers seeking homeownership opportunities.

Figure 29. New Braunfels Housing Starts and Closings, 2010-2023



Source: Zonda; Economic & Planning Systems

Home prices in New Braunfels increased significantly since 2010, as shown in **Table 30**. The average price of a home, including both new and resale properties across all product types, reached \$474,034 in 2023. This equates to an annual increase of 6.9 percent, resulting in a total price appreciation of over \$275,500 over the period.

Table 30. New Braunfels Average Housing Prices, 2010-2023

New Braunfels	2010	2015	2023	2010-2023		
				Total	Ann. #	Ann. %
New						
Single Family	\$191,331	\$278,473	\$388,660	\$197,330	\$15,179	5.6%
Condo	\$283,281	\$326,250	---	---	---	---
Duplex	\$184,114	\$259,430	\$367,000	\$182,887	\$14,068	5.4%
Townhome	---	\$357,288	---	---	---	---
Total	\$190,938	\$278,583	\$389,673	\$198,735	\$15,287	5.6%
Resale						
Single Family	\$201,419	\$249,122	\$517,533	\$316,114	\$24,316	7.5%
Condo	\$190,744	\$225,156	\$376,950	\$186,206	\$14,324	5.4%
Duplex	\$159,353	\$183,976	\$440,483	\$281,130	\$21,625	8.1%
Townhome	---	---	---	---	---	---
Total	\$203,170	\$248,510	\$513,097	\$309,927	\$23,841	7.4%
New & Resale						
Single Family	\$197,363	\$261,959	\$475,667	\$278,305	\$21,408	7.0%
Condo	\$206,167	\$257,080	\$376,950	\$170,783	\$13,137	4.8%
Duplex	\$165,812	\$222,781	\$429,676	\$263,864	\$20,297	7.6%
Townhome	---	\$357,288	---	---	---	---
Total	\$198,364	\$261,560	\$474,034	\$275,670	\$21,205	6.9%

Source: Zonda, Economic & Planning Systems

While the increase in home prices reflects the growing demand for housing in New Braunfels, it also highlights the challenge of housing affordability, particularly in relation to income levels. Given that New Braunfels is predominantly comprised of single-family dwelling units, there is an opportunity to introduce diversified housing options to address the affordability gap. Examples of these housing products are illustrated in **Figure 30**.

By expanding the range of housing products available in the area, including options such as townhouses and condominiums, New Braunfels can better meet the needs of its residents across a range of income levels. This approach can contribute to a more balanced housing market, providing options for lower wage earners, which represent a significant amount of the workforce in New Braunfels.

Figure 30. Missing Middle Housing Examples



Source: [Missing Middle Housing](#) created by Opticos Design

5. Broker Insights

This section provides a summary of key insights from local and regional real estate professionals active in the New Braunfels real estate market. As noted earlier in this report, a common theme among broker interviews was the degree of market pressure that exists in New Braunfels and surrounding communities. Many noted the increase in values (commercial and residential) and one, who works on a multi-state basis, suggested that this section of I-35 is one of the higher growth corridors in the nation.

Office

Outlined below are the key takeaways related to the office market in New Braunfels:

- The local office market reflects conflicting trends. The market has grown steadily but lacks a specific industry to drive demand. A large office building remains vacant due to the shift in the national market post-COVID. While conventional office is reasonably stable, most brokers suggested that developing speculative office space on this site is not viable at this time.
- The site at Gruene 16 offers close proximity to I-35, which is an increasingly important factor as traffic congestion is expected to increase over time.
- The Common Street Professional Building and Resolute Health Hospital Medical Office Building, two of the community's most significant MOBs, are both currently 95 percent occupied.
- The demand for medical office space stands out as economically attractive, with potential rental premiums of 20-25 percent over standard office spaces. The medical office market brings more stability than the conventional office market, given the preference of tenants for longer lease terms, typically in the range of 5-10 years.
- A unique feature of the Gruene 16 site is that it abuts one of the only two-story+ MOBs within the city, with some potential to build off the recognized location. More significantly, in the event the current ownership was willing to entertain expansion concepts, there is potential to reconstruct parking and access, such that the "back area" of the Gruene 16 site would have access and street frontage on Common Street.
- Brokers noted that second-story office spaces may encounter difficulties in finding tenants, given that first floor medical offices are preferred. This has the potential to lead to vacancies for spaces that are elevator served. It was also noted that as the overall market matures in New Braunfels, the willingness to navigate multi-story buildings is expected to evolve.

Retail

Outlined below are the key takeaways related to the retail market in New Braunfels:

- Retail in New Braunfels also represents conflicting trends. Rental rates are strong and vacancy rates are low. Brokers report writing leases on Gruene Road for retail tenants located within a few blocks of Gruene 16 for \$40 per square foot, representing strong demand and the ability for tenants to pay substantially high rents.
- However, the retail sector, although historically vibrant, faces headwinds in the current market environment. Factors such as changing consumer preferences, the rise of e-commerce, and shifts in shopping habits pose challenges to traditional retail development. New Braunfels is not immune to these larger trends.
- In response to these challenges, consideration should be given to strategic partnerships with upscale brands, which could offer added benefits and enhance the appeal of retail spaces.
- Developing retail at the Gruene 16 site will require better visibility on Common Street and/or Gruene Road than exists today. Acquiring the corner would solve this problem, but at the current asking prices, this action is not recommended. The catalytic effect represented by the future development of Gruene 16 (as discussed in greater detail below) will increase market pressure and is likely to lead to redevelopment of the corner without the City having to incur risk and without the City having to cover inflated land costs.
- Despite modest retail prospects, there may still be opportunities for retail development if developed in conjunction with major anchors on site. It is essential to temper expectations, as retail development is generally seen as less likely compared to other uses.
- A final observation from brokers is that any potential retail development is likely to cater to service-oriented businesses and/or food and beverage tenants, rather than larger anchor retailers. In the perspective of local brokers, the focus should be on meeting the needs of the local community rather than dedicating this site to attracting large-scale national retailers.

Hospitality

Outlined below are the key takeaways related to the hospitality market in New Braunfels:

- The hospitality sector presents both opportunities and challenges in the context of the proposed site. The traditional view of visitation in New Braunfels generally relates to tourism. That said, the solid, long-term booking calendar of the existing conference center reflects the City's strength in terms of attracting meeting business.

- The concept of visitation can be positioned towards conference or towards tourism. The preliminary market research indicates that both are generally viable, each with their own challenges.
- The distance from Gruene and the lack of walkability suggests that the site may lend itself to more corporate events, rather than tourism related to Gruene. Although some brokers noted that one of the primary roads used to reach Gruene is immediately adjacent to the site, and that the Gruene brand is sufficiently strong that additional hotel rooms may work notwithstanding the distance.
- The New Braunfels conference center located downtown has a very strong booking calendar, reflecting the strength of the market. Any meeting facility located on the Gruene 16 site should be designed and operated in a way that supplements downtown and does not compete with downtown. Based on interviews, it appears that the market can be expanded such that future occupancies would be supported by net new business, and not a reallocation of conference groups already committed to New Braunfels.
- The relatively soft hotel occupancy rate could be strengthened by a supplemental conference center that would generate demand outside the current summer peak, increasing shoulder seasons, and boosting annual occupancies.
- To the extent the site can be transformed, there may be a basis to explore concepts such as boutique hotels, akin to The Pearl in San Antonio. This would lend itself to visitors seeking a higher quality experience in proximity to the Gruene Historic District. It appears demand for luxury destinations is growing across the country, and given New Braunfels' existing strong brand, it would be a logical fit.
- It is important to note that a boutique hotel will open in downtown New Braunfels shortly. The presence of proposals for high-end hospitality developments downtown signals potential opportunities for more. Any additional hotels on this site should be pursued in a collaborative manner that does not compete with the success of downtown.

Light Industrial

Outlined below are the key takeaways related to the light industrial market in New Braunfels:

- Light industrial development emerges as a promising option, particularly considering potential synergy with expanding manufacturing on the I-35 corridor. With the rise of manufacturing and technology sectors, there is growing demand for light industrial spaces, making it a viable asset class for investment and development.

- The sites close proximity to residential development to the north and east are major challenges, and the context of the area may not be well suited to accommodate an industrial user. Moreover, the site’s potential calls for greater yields in terms of land use and economic impact.

Market Rate Multifamily

Outlined below are the key takeaways related to the market rate multifamily market in New Braunfels:

- The New Braunfels market has enjoyed an extended run of multifamily development. While the recent year has generated a substantial number of deliveries, the new inventory is expected to require at least three years to absorb. Thus, additional multifamily at this location would be supportable in later phases.
- The pressing need for increased density to address housing affordability in the community underscores the importance of multifamily development. However, the multifamily market faces challenges in the capital markets as well as in the local market, in terms of absorption rates.
- Despite these challenges, there are opportunities for modern, urban-designed apartment complexes with structured parking, catering to the preferences of a new demographic. Exploring alternative building styles, such as wrap-style buildings following a “Gurban” design (garden walk-up meshed with urban), could offer less dense alternatives while still meeting the demand for multifamily housing.
- It’s worth noting that while there are upscale multifamily projects tailored for the 55+ demographic in areas like Creekside and Gruene, the luxury multifamily market has yet to fully emerge in New Braunfels.

Workforce Housing

Outlined below are the key takeaways related to the workforce housing market in New Braunfels:

- Workforce housing, while facing financial challenges, remains a critical component of addressing housing needs in the region. However, historical community resistance to affordable housing projects poses significant challenges.
- Overcoming these challenges may require careful site selection and community engagement to address concerns and garner support for workforce housing initiatives. Despite the hurdles, workforce housing represents an essential opportunity to provide affordable housing options for residents in need.

6. Opportunistic Land Uses

This section provides an overview of more specific land uses, expanding beyond the conventional commercial asset classes. Through conversations with real estate experts at local and regional levels, three distinct land utilization types have emerged as promising opportunities warranting deeper exploration. These land uses include:

- Film studios
- Conference/meeting centers
- Medical office buildings

EPS conducted a more concentrated series of interviews with experts in each area to better understand their compatibility on the Gruene 16 site.

Film Studios

To assess overall market demand for a potential film studio use on the site, EPS conducted interviews with representatives from the Texas Film Commission (TFC), San Antonio Film Commission (SAFC), and International Alliance of Theatrical Stage Employees (IATSE), Local 205.

Film Studio Types

There are traditionally three different types of film studios, as outlined in detail below.

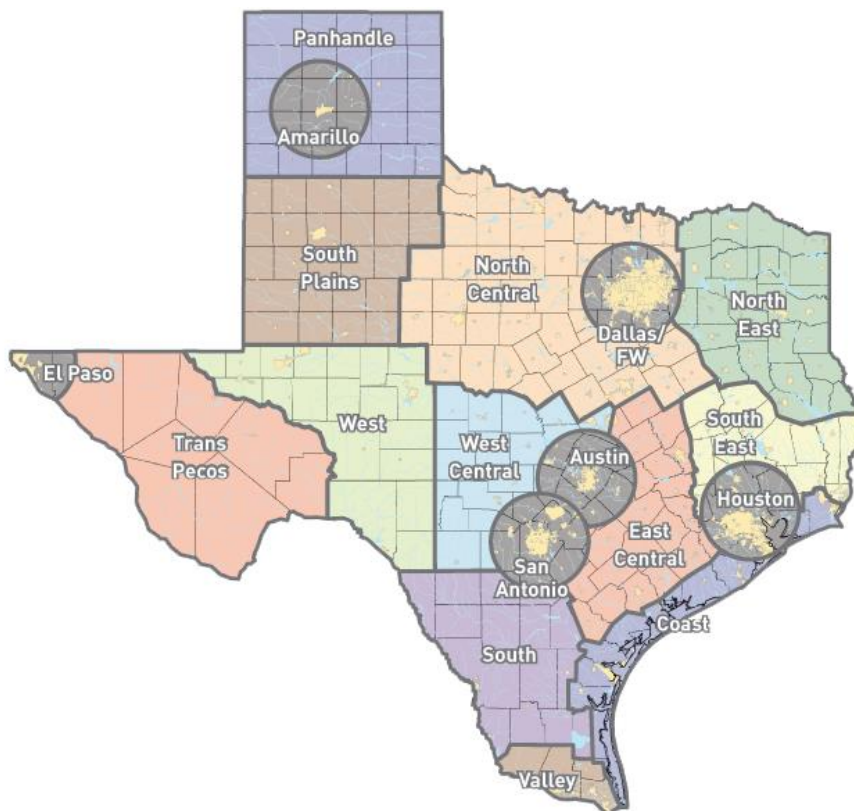
- **Ground-up Build** – Ground-up builds are purpose-built facilities specifically tailored to meet the needs of film and media production. These studios are typically designed from scratch, allowing for customization according to the specific requirements of a particular film or media production.
- **Retrofitted Space** – Retrofitted space film studios repurpose existing buildings or structures to serve as film production facilities. These studios may be converted warehouses, industrial complexes, or other commercial properties that are renovated and equipped to meet the needs of the film industry.
- **City Owned Asset** – City-owned asset film studios are facilities owned and operated by municipal governments or local authorities. These studios may include ground-up buildings or retrofitted space that have been acquired or developed by the City specifically to support film and media production.

Overview

The Texas film studio effort encompasses a concerted initiative to establish and enhance film production facilities and infrastructure within the State of Texas. This endeavor is driven by the recognition of the economic and cultural benefits associated with the film and entertainment industry. Texas has a rich tapestry of diverse landscapes, from bustling urban centers to picturesque rural vistas, making it an attractive destination for filmmakers seeking versatile filming locations.

The state government, in collaboration with private investors and industry stakeholders, has undertaken various measures to promote Texas as a desirable filming destination and to facilitate the growth of its film industry. In order to incentivize film industry growth in Texas, the TFC established the Film Friendly Texas program in 2007. Communities certified through the program receive continuous training and support from the Texas Film Commission, ensuring they adhere to industry standards and best practices while effectively accommodating media production within their communities. This program serves as a vital resource, bolstering Texas's reputation as a top-tier destination for media production. New Braunfels is included as part of the San Antonio Area, as shown in **Figure 31**, and was named a "Film Friendly Texas Community" by the TFC in November 2023, joining over 175 other Texas cities.

Figure 31. Film Friendly Texas Certified Communities



Source: [Texas Film Commission](https://www.texasfilmcommission.com/)

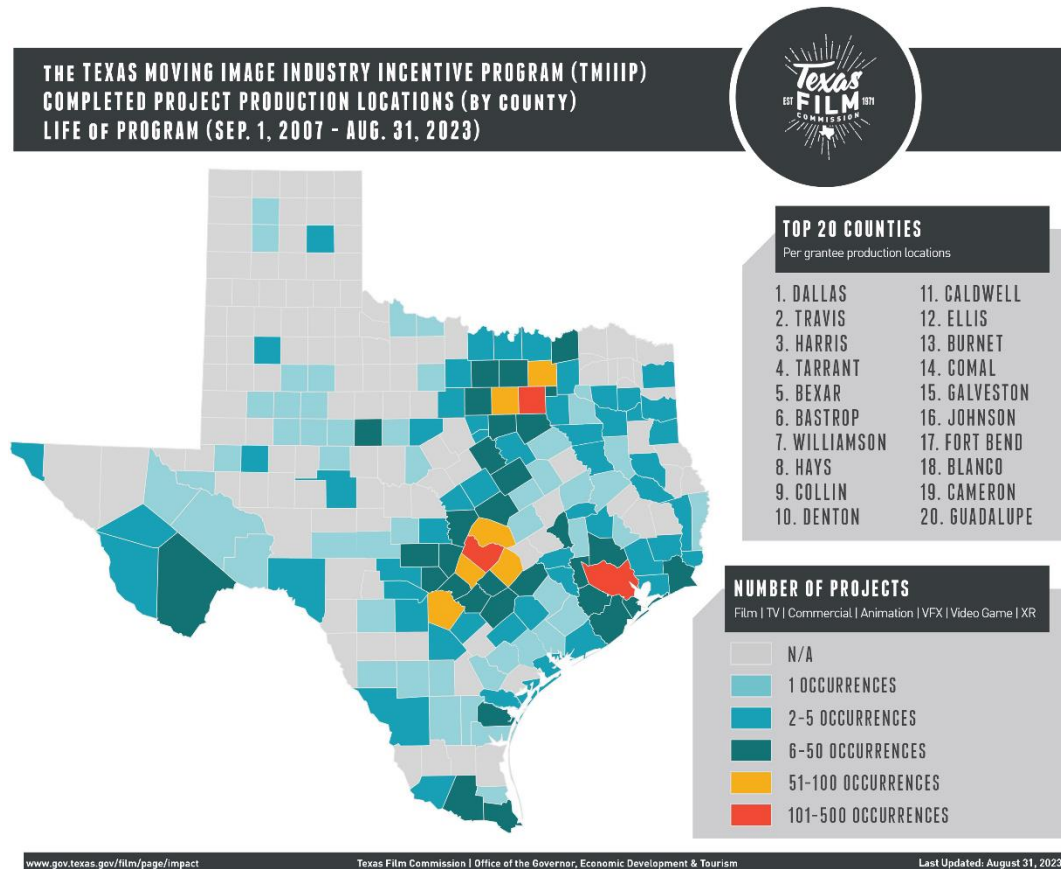
Incentives

The State of Texas is among a handful of states that are considered production friendly. These states traditionally offer incentives to prospective film studio users. Outlined below are the specific state and local incentives currently available.

State Incentives

The State of Texas provides various incentives for film production, described in detail below. Notably, Texas Hill Country stands out as a desirable location, as shown in **Figure 32**, which highlights the number of TMIIP-funded projects from 2007 to 2022. Comal County completed the fourteenth most projects in the state over the 15-year period.

Figure 32. Completed Project Locations, 2007 through 2023



Source: Texas Film Commission, Office of the Governor, Economic Development & Tourism

1. State Sales Tax Exemption

Under Texas law, producers or production companies can claim a sales or use tax exemption on items or services essential for and directly used or consumed during the production of projects intended for commercial distribution, such as feature films, commercials, television projects, or live performance recordings.

2. Texas Moving Image Industry Incentive Program (TMIIP)

TMIIP provides cash grants to qualifying film, television, commercial, animation, visual effects, video game, XR, and other productions based on a percentage of eligible Texas expenditures, including wages paid to Texas residents. Grants vary by project type and budget, issued post-review of the project's Texas expenditures. In 2023, the State of Texas approved an unprecedented \$200 million for the 2024-2025 biennium for the program.

3. Additional Grant Award

As part of the TMIIP program, projects may be eligible for an additional grant equal to 2.5 percent of total in-state spending. Additional grants are awarded to projects in underutilized and economically distressed areas, projects that hire Texas veterans, or projects that spend 10 percent of their total in-state spending on post production.

4. Media Production Development Zone Act (MPDZ)

MPDZ allows for a sales and use tax exemption for the construction, maintenance, expansion, improvement, or renovation of a media production facility at a qualified media production location over a two-year period.

Local Incentives

In addition to State of Texas incentives, the SAFC administers a local rebate program that any future New Braunfels project would qualify for, as outlined below.

1. Supplemental San Antonio Film Incentive Program (SSAI)

The SSAI is a rebate program that disburses funds after project completion. The award amount is 7.5 percent of approved San Antonio spending. The maximum award for a single project is \$250,000.

Market Demand

From our discussions with the TFC, SAFC, and IATSE, we gathered essential insights concerning the market demand for a film studio. These key takeaways are outlined below:

1. The region faces a pressing need for increased studio space, as the demand continues to outpace the available supply.

2. A film production in New Braunfels stands to potentially secure an additional grant award, as outlined earlier, by choosing to film in an "underutilized area" outside of Austin.
3. A prospective film studio space could be thoughtfully designed to accommodate a mix of uses, featuring cross-functionality to serve as both a convention/meeting space and a music venue during periods when filming is not underway.
4. The size of the site is sufficient to accommodate film. Some studios in the area are substantially larger, and some are smaller. The space needed to accommodate nearly all shooting activity in peer locations in Texas can be accommodated with a 16-acre site.
5. Setting itself apart from competitors in the market, a new film studio could incorporate a state-of-the-art XR (extended reality) virtual production LED volume studio, a highly desired asset in the industry that remains underprovided relative to demand in the market.
6. New Braunfels is situated in close proximity to the San Antonio union area, making it a viable location to attract a crew hub, and fall within compliance of Union standards.
7. Unlike states such as Georgia and New Mexico, which offer incentives funded through state income, Texas relies on biennial allocations from the state legislature, resulting in a more unpredictable funding landscape due to variable allocation.
8. Texas is strategically positioned for further expansion within the film industry, resulting from its established celebrity presence and ongoing investment initiatives.
9. The San Antonio and Austin regions are evolving into a cohesive metroplex, with New Braunfels strategically situated at its center.
10. Situated in a high-growth corridor, New Braunfels benefits from substantial brand recognition derived from its renowned rivers and historic venues like Gruene Hall.
11. A significant majority (approximately 75%) of TV producers in Austin opt to film in small towns outside of the city in pursuit of "bucolic charm," a quality that New Braunfels can readily offer.

Economic Benefit

While the State of Texas has not conducted a full economic impact analysis, it tracks total grant amounts and in-state spending from projects. In 2023, the state allocated \$24.4 million in grant funding that resulted in \$120.5 million in in-state spending and supported a total of 5,619 jobs, as shown in **Table 31**. The return on investment by project ranged from 4.4 X to 20.0 X and averaged 4.9 X.

Table 31. TMIIP Projects, 2023

Company	Classification	Grant Amount	In-State Spending	ROI	Texas Jobs
Paid Projects					
The Escape Pod	Commercial	\$7,548	\$100,636	13.3 X	29
Raucous Content	Commercial	\$8,228	\$164,560	20.0 X	41
Merrily, LLC	Feature Film	\$17,928	\$358,554	20.0 X	68
The Senior Movie LLC	Feature Film	\$150,000	\$1,200,000	8.0 X	422
Blind Nil, LLC	Reality Television	\$33,477	\$446,360	13.3 X	26
Gulf States Toyota, Inc.	Commercial	\$9,208	\$184,160	20.0 X	52
Camp Lucky	Commercial	\$18,131	\$362,620	20.0 X	50
Bacon & Sons Film Co.	Commercial	\$45,559	\$911,180	20.0 X	105
Intel Corporation	Commercial	\$9,709	\$194,178	20.0 X	28
Cobalt Productions LLC	Television	\$10,814,976	\$48,066,560	4.4 X	1,061
Hoosegow (Hypnotic) Prod	Feature Film	\$2,000,000	\$10,000,000	5.0 X	593
Bring Light & Sound, LLC	Commercial	\$6,291	\$125,823	20.0 X	33
Eye Productions Inc.	Television	\$9,359,118	\$46,795,590	5.0 X	1,325
Eye Productions Inc.	Television	\$346,593	\$3,465,926	10.0 X	1,344
Space Age 1969, LLC	Feature Film	\$1,512,485	\$7,562,425	5.0 X	372
Facing Nolan, LLC	Feature Film	\$29,257	\$390,093	13.3 X	35
Equilateral Films	Commercial	\$10,020	\$133,597	13.3 X	35
Total		\$24,378,527	\$120,462,263	4.9 X	5,619

Source: Office of the Governor, Economic Development and Tourism Division; Economic & Planning Systems

Relevant Projects

The following film studios exemplify a range of concepts across Texas and Oklahoma. These studios vary in size, construction type, and production utilization, as outlined below.

Figure 33. Relevant Film Studio Projects



Hill Country Studios

San Marcos, Texas

Status: Proposed

Size: 800,000 sq. ft.

Site acreage: 200 acres

Construction: Greenfield

Production: TBD



ATX Film Studios

Austin, Texas

Size: 237,000 sq. ft.

Site acreage: 18 acres

Construction: Retrofit

Production: TV, Film, Commercials



Austin Studios

Austin, Texas

Size: 175,000 sq. ft.

Site acreage: 20 acres

Construction: Ground-up & Retrofit

Production: Short & Indie Films



Cherokee Film Studios

Tahlequah, Oklahoma

Size: 27,000 sq. ft.

Site acreage: 4 acres

Construction: Retrofit

Production: Virtual

Source: CoStar; Economic & Planning Systems

Convention/Meeting Space

In order to assess overall market demand for a convention/meeting space use on the site, EPS conducted interviews with representatives from a number of facilities located in the region.

Overview

The applicability of convention and meeting space venues to this site is for a medium scale facility. After quantifying the nature of more than a dozen centers throughout the San Antonio and Austin region, a concentration of those in the 30,000 to 40,000 square foot range are most relevant. While noteworthy in terms of the size and economic impact, the scale of the primary convention centers in San Antonio and Austin are not relevant for this site.

The development of mid-sized centers in Texas has become an increasingly popular local economic development strategy. These centers are effective in attracting smaller groups of business than those competing on the national landscape. While smaller in scale, there are many more meetings seeking locations that fit their needs, accomplishing the same goal of attracting visitors that leads to increased spending in the local economy.

The industry has experienced growth in the market, with some facilities being privately capitalized and others receiving incentives from local governments, which cover both construction and maintenance costs of facilities and their related infrastructure.

Relevant Projects and Market Demand



To better understand market demand for convention and meeting space venues in the region, EPS segmented the regional inventory and only focused on those in the 30,000 to 40,000 square foot size. A summary of the information collected from interviews with four major conference facilities, in four nearby markets, is shown in **Figure 34** and summarized below.

- **San Marcos, TX** – The City of San Marcos Conference Center experiences high demand, operating at near 100 percent capacity, with events ranging from 200 to 2,000 delegates. It serves a regional market and draws attendees from across the state and has an effective reach into Dallas and Houston. The presence of nearby hotels, including one attached to the conference center, supports the demand.
- **Austin, TX** – The Joe C. Thompson Conference Center in Austin has consistent demand, hosting events ranging from 15 to 1,000 delegates. It serves a diverse market, including statewide, national, and local/regional events, with ample nearby hotel accommodations.

- **San Antonio, TX** – The Norris Conference Center in San Antonio is a recently constructed private facility, mirroring similar facilities the organization has constructed and operates throughout Texas. The organization has six locations in central Texas, with multiple facilities in the metropolitan areas of Houston, Dallas, and San Antonio.
- **Floresville, TX** – The Floresville Event Center operates at close to full capacity, serving a regional market with events catering to up to 3,000 standing or 1,000 sitting delegates. Staff report sufficient demand for additional event space, even though there are already two other event centers in Floresville.

The region exhibits a steady demand for convention and meeting space venues, although saturation levels vary across different areas. Notably, the New Braunfels Civic/Convention Center experiences substantial demand, often booked years into the future. The results from a high-level set of interviews with regional, midsized facilities consistently report a full booking calendar with demand for additional space. Given these indicators, it appears that there is an opportunity for the community to consider this use, likely in conjunction with an adjacent hotel.

Figure 34. Relevant Convention/Meeting Spaces

	<p>San Marcos Conference Center San Marcos, Texas</p> <p>Size: 41,280 sq. ft.</p> <p>Exhibit Halls: 0 Ballrooms: 1 Meeting Rooms: 19</p> <p>Hotel: Yes</p> <p>Demand: High Demand, 100% Capacity</p>
	<p>Joe C. Thompson Conference Center Austin, Texas</p> <p>Size: 35,000 sq. ft.</p> <p>Exhibit Halls: 1 Ballrooms: 0 Meeting Rooms: 14</p> <p>Hotel: No</p> <p>Capacity: High Demand</p>



Norris Conference Center

San Antonio, Texas

Size: 33,043 sq. ft.

Exhibit Halls: 0

Ballrooms: 2

Meeting Rooms: 6

Hotel: No

Capacity: High Demand



Floresville Event Center

Floresville, Texas

Size: 45,493 sq. ft.

Exhibit Halls: 0

Ballrooms: 1

Meeting Rooms: 3

Hotel: No

Capacity: High Demand, 100% Capacity

Source: CoStar; Economic & Planning Systems

Medical Office Building (MOB)

In order to assess overall market demand for a MOB on the site, EPS conducted interviews with medical real estate professionals active in the New Braunfels market.

Market Overview

Situated at the center of healthcare activity in the community, Common Street serves as a medical artery, connecting the city's largest hospitals, CHRISTUS Santa Rosa Hospital and Resolute Baptist Hospital. This geographical centrality underscores its critical opportunity for the City to facilitate medical services and patient access within New Braunfels, if desired.

In the past, the nature of the community favored locally based medical providers with an established network of patients. However, a discernible transformation is underway, driven by a new growth that has demonstrated a growing openness towards non-local medical providers. This shift has resulted in new opportunities for non-local medical groups seeking to establish a presence in New Braunfels.

Furthermore, the construction of Resolute Baptist Hospital, which opened in 2014 and sits on 56 acres, exemplifies a continued expansion of healthcare infrastructure in the community. The accompanying Resolute Health Medical Office Building initially struggled to lease but ultimately achieved full occupancy as the city matured and demand for healthcare services continued to increase. As a result, the Common Street corridor has emerged as an epicenter of medical activity, boasting an amalgamation of strategic advantages such as accessibility, location to premier hospitals, proximity to the interstate, and the ability to accommodate a steady stream of vehicular traffic. These factors collectively position Common Street as a prime corridor for medical office developments, attracting both providers and patients alike.

Market Demand

The Common Street Professional Building, the only multistory MOB on Common Street, directly abuts the Gruene 16 site and further exemplifies the pent-up market demand. The property is 94.1 percent leased with only 1,718 square feet vacant, as shown in **Figure 35**. Vacancies are quickly absorbed upon listing, underscoring the demand-supply imbalance prevailing in the market. The building's tenants are representative of the broader real estate market, with specialties in cardiology, podiatry, imaging, dentistry, and radiology, among others. This diversified tenant mix speaks to the broader MOB market, offering comprehensive patient care under one roof. The owner of the property, Nuveen, may consider a potential expansion onto the Gruene 16 site, leveraging its adjacency to its building. Such a partnership could potentially alleviate some access issues on the Gruene 16 site, activating the property and providing direct access along Common Street.

While demand remains strong, the rental landscape has undergone a series of recent changes. Historical rental rates, once capped at \$30 to \$35 per gross square foot, have increased to \$40 to \$45, which generally outpaces the broader commercial office market. As New Braunfels continues its trajectory of growth, the demand for state-of-the-art medical facilities is continually increasing. Development of MOB properties on the Gruene 16 site, ranging between 30,000 to 60,000 square feet per project, represents a viable development path.

Figure 35. Common Street Professional Building



Common Street Professional Building

1583 Common Street

Size: 28,708 sq. ft.

Hotel: Yes

Vacancy Rate: 5.9 percent

Stories: 2

Year Built: 2002

Previous Sale: \$8,850,000 (2021)

Source: CoStar; Economic & Planning Systems

7. Development Themes and Concepts

This section outlines three prospective development scenarios for consideration on the Gruene 16 property. Furthermore, it includes a brief examination of the collection of properties currently listed for sale at the intersection of Common Street and Gruene Road. The three potential development scenarios were developed based on prevailing market trends, broker insights, Council/EDC goals, and feedback gathered related to potential opportunistic land uses. Each scenario was then evaluated using a weighted decision-making matrix and scored based on their alignment with seven criteria.

Each development scenario is intended to be relatively distinct. The degree to which each concept furthers the goals outlined by City Council and the EDC is measured by a set of evaluation criteria to assess the performance of each scenario against these standards. This approach aims to ensure a comprehensive and cohesive understanding of the development potential and viability of each option.

Common Street and Gruene Road

In addition to the Gruene 16 site, the City also has an opportunity to acquire a property located at the intersection of Common Street and Gruene Road, located adjacent to the Gruene 16 site, as shown in **Figure 36**. The property is commercially zoned and includes five parcels, totaling 6.688 acres.

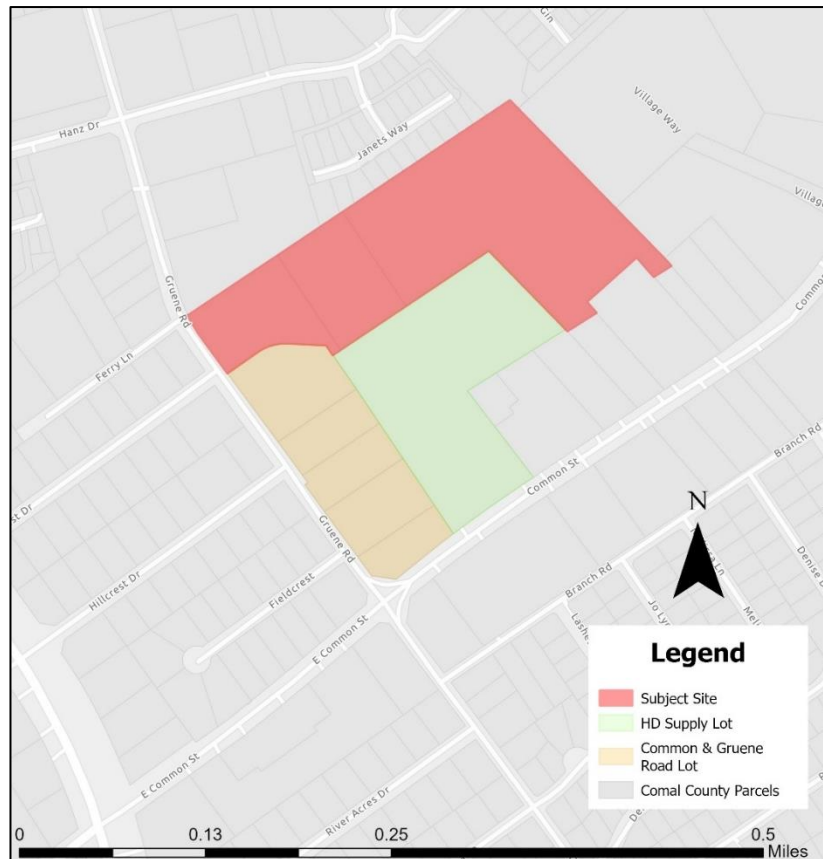


Figure 36. Common Street and Gruene Road Vicinity Map

The potential for traditional retail development on the Gruene 16 property is constrained without direct access to Common Street. Without such access, the Gruene 16 property's visibility is a limiting factor, making it less appealing to third-party developers seeking prime locations for retail establishments. Consequently, to unlock the full potential for retail development and maximize Gruene 16's value as a commercial asset, the City would need to acquire the Common Street and Gruene Road lot. This limitation is particularly relevant for retail uses, which are more dependent on drive-by traffic than others. The greater the scale and nature of a destination use, the less important the corner becomes.

Based on conversations with local and regional brokers and developers, the City could consider purchasing the property at a price of \$15 to \$16 per square foot, which represents market rate in New Braunfels, with a maximum consideration of \$20 per square foot. These ranges equate to a fair market value of \$4.4 million to \$4.7 million and a maximum price of \$5.8 million, as shown in **Table 32**.

Table 32. Common Street and Gruene Road Lot Fair Market Value

Description	Factor	Total
Property Size		
Acreage		6.688
Square Feet	43,560	291,329
Purchase Price		
Market Rate - Lower End	\$15 per sq. ft.	\$4,369,939
Market Rate - Upper End	\$16 per sq. ft.	\$4,661,268
Maximum Consideration	\$20 per sq. ft.	\$5,826,586

Source: Local Brokers; Economic & Planning Systems

Although the specific asking price of the property is not publicly disclosed, it is presumed that the property owner's valuation exceeds these figures significantly. In light of this assumption, EPS advises against pursuing the purchase of the property unless the owner demonstrates a willingness to negotiate within the acceptable price ranges outlined above.

Additionally, the catalytic effect of developing the Gruene 16 site could bring a retail user to this corner in the future. The advantage of this lies in the fact that retail could potentially be the most advantageous use following the development of Gruene 16, and the responsibility and risk associated with developing retail on this site would not be borne by the City.

For the purpose of this analysis, the acquisition of the property was excluded from the formulation of the development scenarios and, consequently, traditional retail development was ruled out as a potential use in the proposed development scenarios.

Development Scenarios

The three development scenarios outlined below illustrate distinct patterns of development, each tailored to fulfill specific thematic objectives. While it is acknowledged that no single development can satisfy every criterion, these scenarios are designed to address overarching goals associated with their respective themes. Though each scenario will undergo a more comprehensive evaluation in subsequent sections, a brief overview of the thematic focus for each development is provided below.

Visitation

Product Mix

The visitation scenario is envisioned as a mixed-use development with a primary product mix that includes a convention center/meeting space and a boutique and/or limited-service hotel. Secondary uses are proposed to include food and beverage space, luxury multifamily housing, and parks/open space.

Strategic Direction

In the visitation scenario, the development plan is strategically geared towards capitalizing on the area's tourism potential. This approach recognizes the importance of tourism as a key driver of economic growth, particularly given the proximity of the Gruene 16 site to the Gruene Historic District. The concept calls for an expansion in leisure and/or business travel and could emphasize one above the other or could combine the two for a stronger economic impact.

The tourism-oriented aspect of this scenario involves the development of a boutique hotel that could increase future demand for infill development that caters to amenities geared towards visitors, such as restaurants, entertainment venues, and recreational facilities. By enhancing the overall visitor experience, this development strategy aims to attract more tourists, increase visitor spending, and stimulate job creation in hospitality and related sectors.

The Upper Tier hotel market in New Braunfels is strong. In 2023, ADRs averaged approximately \$231 and occupancy rates averaged 67 percent. Although local and regional brokers expressed skepticism related to walkability, a "trendy" boutique hotel emerged as a strong option. Additionally, integrating a convention/meeting center was identified as an opportunistic land use, with sufficient market demand evidenced by the utilization rates of local and regional convention/meeting centers, many of which reported either full capacity or high demand.

Another way to expand visitation to New Braunfels is to emphasize business travel. A survey of convention halls ranging from 30,000 to 40,000 square feet in the region suggests that business is strong and that another facility could be accommodated in the market. The demand from this facility would likely call for an on-site, lower to mid-tier hotel. The conference activity would likely drive occupancies in surrounding hotels and would be particularly beneficial for shoulder seasons, in which leisure travel to New Braunfels declines.

Integrating luxury multifamily residences and food and beverage offerings with a hotel and convention center presents a compelling opportunity to create a synergistic mixed-use development. The luxury multifamily residential units would provide a unique housing option within the community, while also providing a substantial amount of disposable income to the area. The additional spending potential, from future hotel and convention guests and on-site residents could support a limited amount of food and beverage, providing for a complementary mix of uses on the site.

The inclusion of parks and open spaces not only enhances the development potential of the site but also provides a community benefit to existing New Braunfels residents. Integrating green spaces within the development was identified as a top priority among Council and EDC members, as there are a limited number of existing parks in the area.

Creativity

Product Mix

In the creativity development scenario, the primary components consist of a film studio and boutique hotel. The remaining land offers flexibility for future needs, potentially serving as a reserve for responding to increased demand in the film industry or as areas designated for parks and open spaces.

Strategic Direction

A potential film studio would attract a significant amount of primary employment to the community, while also fulfilling one of City Council's primary objectives related to pursuing a creative and innovative development. This scenario recognizes the importance of adopting new and unconventional strategies to capitalize on a City-owned asset in a community with limited opportunities for a "big play."

This scenario is centered around the establishment of a film studio anchor, complemented by a boutique hotel. The proposed film studio not only promises to attract a substantial influx of primary employment opportunities to the community but also aligns seamlessly with one of the City Council's primary objectives: the pursuit of creative and innovative development initiatives. By anchoring the development with a film studio, the project not only contributes to job creation but also fosters a dynamic environment conducive to artistic collaboration, which could further bolster the unique identity of New Braunfels.

Furthermore, the inclusion of a boutique hotel with dedicated meeting spaces offers additional amenities and accommodations, catering to the needs of both visiting filmmakers, residents, and local businesses. Similar to the visitation scenario, the hotel would leverage an existing strength of the community related to tourism. Meeting space is also limited, filling a need for current and future potential users.

Local Focus

Product Mix

The local focus development scenario is envisioned as a mixed-use development. The primary land use is proposed to include one or two two-story medical office buildings. Supporting land uses are proposed to include missing-middle for sale residential product, luxury multifamily, and parks/open space.

Strategic Direction

The local focus scenario concentrates on leveraging the established market potential of medical office space, single family residential housing, and multifamily housing. This approach recognizes that certain industries or commercial real estate asset classes already have a strong presence or competitive advantage in the area, presenting opportunities for targeted investment and expansion.

Centered on establishing a medical office hub along Common Street, this scenario recognizes the organic growth of medical facilities in the vicinity. Despite this growth, the area currently includes only one two-story medical office building. Introducing one or two additional two-story MOB's was recognized as an opportunity, given the existing market demand in the area.

Furthermore, the inclusion of missing-middle and luxury multifamily development adds significant value to the overall development program. These components have consistently demonstrated strong market performance and future potential, which would enhance the attractiveness of the project to potential investors and developers.

Weighted Decision-Making Matrix

The three potential development scenarios were evaluated using a weighted decision-making matrix, which is a tool used to evaluate and prioritize alternatives based on multiple criteria. The matrix is described in more detail below:

- 1. Identify Criteria:** The evaluation criteria were identified based on City Council objectives stated in individual workshops, market support criteria (i.e., traditional real estate metrics), and strategic priorities listed in 2022 Economic Development Strategic Plan (EDSP).
- 2. Assign Weights:** Weights were assigned to each criterion to reflect its relative importance or priority in the decision-making process. The weights sum up to 100 percent.
- 3. Score Alternatives:** Each development scenario was evaluated against each criterion and assigned a score based on the degree to which the criterion would be achieved. Scores were assigned on a numerical scale ranging from 1 to 3, with higher scores indicating better performance.
- 4. Calculate Weighted Scores:** The score of each alternative was multiplied by the weight of the corresponding criterion to calculate the weighted score for each criterion.
- 5. Sum Weighted Scores:** The weighted scores for each development scenario were totaled across all criteria to quantify the total weighted score for each scenario. A total score of 100 percent would indicate that each criterion was achieved by the hypothetical development program.

Evaluation Criteria

1. Leverage Market Trends

This criterion was established based on EPS' analysis of commercial real estate metrics calibrated by broker interviews. The market support criterion was measured by considering 1) commercial real estate metrics for asset classes under each scenario, and 2) developer and broker feedback relative to each asset class.

2. Improve Mobility and Connectivity

This criterion was generated from the EDSP. It was created partially in response to community feedback focused on mitigating traffic impacts by facilitating denser, mixed-use development patterns. Development scenarios were evaluated based on their capacity to integrate best-in-class investments in mobility and connectivity.

3. Execute Proactive Land Use and Development Strategies

This criterion was generated from the EDSP. The Community Assessment concluded that New Braunfels has the opportunity to steer growth based on the City's projection that "little to no" developable land will be available by 2035. Development scenarios were evaluated based on their consistency with land use plans and community objectives.

4. Expand the Local Economy

This criterion was generated based on stated Council and EDC goals and objectives during the workshop process. Economic development efforts should focus on generating new economic activity, which provides net new spending within the local economy.

5. Provide a Diversity of Housing Options

This criterion was generated based on stated Council and EDC goals and objectives during the workshop process. Development scenarios were evaluated based on their inclusion of unique housing options.

6. Represents Creative and Innovative Ideas

This criterion was generated based on stated Council and EDC goals and objectives during the workshop process. While this metric is qualitative in nature, development scenarios were evaluated based on the degree to which the recommended asset classes and/or land uses are currently represented in the New Braunfels market.

7. Maximizes the Opportunity Given Limited Land Inventory

This criterion was generated based on stated Council and EDC goals and objectives during the workshop process. The development scenarios were evaluated based on the degree to which it achieved broader City goals and objectives.

Evaluation Scoring

Each development scenario was evaluated against each criterion and assigned a score based on the degree to which the criterion was reached. Scores were assigned on a numerical scale ranging from 1 to 3, with higher scores indicating better performance. Each criterion was also assigned a weight, ranging from 5 to 25, which differentiated the criteria based on relevance and overall importance.

Based on this exercise, the visitation scenario scored the highest, with a score of 83.3 percent. The creativity scenario scored the second highest, with a score of 80.0 percent, and the local focus scenario ranked last, with a score of 70.0 percent.

Table 33. Development Scenario Criteria Matrix

Criteria	Criteria Weight		Visitation		Creativity		Local Focus	
	Description	Value	% Total	Rating	Total	Rating	Total	Rating
Leverage Market Trends	20	20.0%	2	13.3%	1	6.7%	3	20.0%
Improve Mobility and Connectivity	10	10.0%	2	6.7%	2	6.7%	2	6.7%
Execute Proactive Land Use and Development Strategies	10	10.0%	3	10.0%	3	10.0%	3	10.0%
Expand the Local Economy	25	25.0%	3	25.0%	3	25.0%	1	8.3%
Provide a Diversity of Housing Options	5	5.0%	2	3.3%	1	1.7%	3	5.0%
Represents Creative and Innovative Ideas	15	15.0%	2	10.0%	3	15.0%	2	10.0%
Maximizes the Opportunity Given Limited Land Inventory	15	15.0%	3	15.0%	3	15.0%	2	10.0%
Total Rating	100	100.0%	17	83.3%	16	80.0%	16	70.0%

Source: City of New Braunfels; Economic & Planning Systems

Next Steps

Phase 1 of EPS' work on the "Gruene 16" site aims to assess the market and financial viability of various uses for the site. The analysis provided here focuses specifically on the market feasibility aspect of the project. After presenting the market feasibility analysis to the EDC, EPS will update the report to incorporate the financial feasibility analysis. Once Phase 1 is completed, EPS will work with the EDC to define a scope of work related to the developer solicitation process. The remaining tasks for each phase are described in more detail below.

Phase 1

To complete EPS' initial scope of work with the EDC, EPS will develop a comprehensive financial feasibility model to analyze costs and revenues for the three development scenarios. The model will evaluate the development program concepts based on metrics such as Yield on Cost (YOC), Internal Rate of Return (IRR), and Net Present Value (NPV). Sensitivity analyses will explore varying densities, revenue and cost escalation, and rental rates. Additionally, EPS will integrate layers of public revenues into the financial feasibility work. This may include commitments of property tax or sales tax, as well as agreements for additional fees from end-users. The objective is to provide City staff with a robust tool to understand the financial implications of the three scenarios. All findings will be integrated into the weighted decision-making matrix as additional criteria and summarized in the report.

Building on the financial feasibility analysis, EPS will summarize hypothetical Sources and Uses for the three scenarios. These programs will be tailored to showcase both civic benefits and economic viability, accommodating stakeholder preferences. The aim is to provide a clear overview of financial performance under different assumptions, including net returns to the City and/or incentives required from the City.

Phase 2

After completion of the initial scope of work, EPS will continue to support the EDC in the developer solicitation process. EPS has built a substantial portfolio of project experience involving the lease, transfer, and sale of publicly held assets to developers or other end users. EPS has experience providing advice to clients on matters including market and financial feasibility (phase 1 of the analysis), as well as marketing strategies, RFQ/RFP writing, developer selection criteria, public policy and political considerations, and the development of mutually beneficial business terms as a part of contract negotiations.

In past assignments, a process composed of three basic steps has been found to provide a useful structure for negotiation. These steps are as follows: 1) definition of negotiation principles; 2) negotiation of a business term sheet; and 3) drafting of lease and other transaction documents.

8/12/2024

Agenda Item No. A)

PRESENTER:

Matthew Eckmann, Assistant Director of Public Works

SUBJECT:

Discuss and consider the approval of the second reading of an ordinance amending Chapter 110 of the Code of Ordinances relating to Solid Waste commercial rates and proposed operational changes.

DEPARTMENT: Public Works - Solid Waste and Recycling Division**COUNCIL DISTRICTS IMPACTED:** All**BACKGROUND INFORMATION:**

The City of New Braunfels has established an ordinance containing rules, regulations, policies, and rate provisions affecting solid waste services within the City (Chapter 110 "Solid Waste", Code of Ordinances of the City of New Braunfels).

The Solid Waste and Recycling Division (SWRD) operates as an enterprise fund meaning the expenditures of the division should be supported solely by the revenues received for services and not the general fund. In FY 2023 and FY 2024, reserves were utilized, and expenditures deferred to remain solvent. In order for the fund to ensure long term financial stability, the SWRD is proposing adjusting rates for commercial customers as well as service level modifications to residential recycling and green waste collections. Residential rates are recommended to remain at current levels and have not been adjusted since 2010.

The first reading of the ordinance amendment was approved unanimously by City Council on July 8, 2024.

ISSUE:Commercial Rate Adjustments:

Commercial services expenses exceeded revenues for several fiscal years which has forced the division to utilize revenue from residential services and the fund balance to cover the overages in commercial services.

The current commercial rates which were established in 2018 are referenced below:

Container Size	Collection per Week					
(Cubic Yards)	1	2	3	4	5	6
3	97.71	112.18	123.95	184.22	185.08	185.92
4	123.02	138.33	153.04	187.49	232.50	247.22
6	174.82	191.30	208.37	265.61	317.84	320.79
8	226.03	249.99	263.70	343.74	374.94	411.33
10	277.83	312.51	319.03	421.82	446.76	467.36
96-gal (2 carts)	29.32					
Add'l cart (limit 2)	14.66	each				

The current rate structure is disproportionate with the lowest users paying a higher share of the cost of services compared to the heaviest users. SWRD Staff conducted a rate study with our benchmark cities as well as the private sector and are proposing an updated rate structure to be implemented over the next three fiscal years which will ensure equity in rate distribution and be able to sustain our current operations financially.

The proposed updated rates are referenced below:

FY 2027 Rates

Container Size	Collection per Week (Dumpsters)					
(Cubic Yards)	1	2	3	4	5	6
3	85.00	170.00	255.00	340.00	425.00	510.00
4	100.00	200.00	300.00	400.00	500.00	600.00
6	115.00	215.00	315.00	415.00	515.00	615.00
8	130.00	230.00	330.00	430.00	530.00	630.00
10	145.00	245.00	345.00	445.00	545.00	645.00
96-gal (2 carts)	40.00					
Add'l cart (limit 2)	20.00	each				

FY 2026 Rates

Container Size	Collection per Week (Dumpsters)					
(Cubic Yards)	1	2	3	4	5	6
3	80.00	160.00	240.00	320.00	400.00	480.00
4	95.00	190.00	285.00	380.00	475.00	570.00
6	110.00	205.00	300.00	395.00	490.00	585.00
8	125.00	220.00	315.00	410.00	505.00	600.00
10	140.00	235.00	330.00	425.00	520.00	615.00
96-gal (2 carts)	35.00					
Add'l cart (limit 2)	17.50	each				

FY 2025 Rates

Container Size (Cubic Yards)	Collection per Week (Dumpsters)					
	1	2	3	4	5	6
3	75.00	150.00	225.00	300.00	375.00	450.00
4	90.00	180.00	270.00	360.00	450.00	540.00
6	105.00	195.00	285.00	375.00	465.00	555.00
8	120.00	210.00	300.00	390.00	480.00	570.00
10	135.00	225.00	315.00	405.00	495.00	585.00
96-gal (2 carts)	30.00					
Add'l cart (limit 2)	15.00	each				

Residential Service Level Modifications

Residential services expenditures continue to be sustained by revenues. However, costs have been growing at a faster pace than revenues. To continue to sustain the operations and avoid the need for rate residential rate increases, SWRD is proposing to transition our recycling and green waste collections from weekly to bi-weekly.

Set-out rates for recycling containers are consistently below 50% while set-out rates for green waste is consistently below 10%. In a review of our comparator cities, it was determined that most cities have either no collection or bi-weekly collection of recyclable materials, and collaborative discussions with the City of Waco showed that moving from weekly to bi-weekly collection resulted in increased put-out rates, decreased program costs, and increased viability of their recycling initiatives.

By transitioning these services from weekly to bi-weekly, the SWRD is projected to have the ability to save costs in all budget categories (employee, operating, and capital). Reduction (through attrition or reallocation) in the number of Operators and Collectors needed for this division is forecasted to provide a savings of approximately \$300,000 just in employee expenditures along with decreased fuel costs, and decreased usage of trucks for this division which would result in a less frequent need for equipment replacement.

Ordinance Amendments Overview:

In order to implement the proposed modifications, an update to Sec. 110 of the Code of Ordinances is necessary:

- Solid waste fees moved from Sec. 110-8 to Appendix X
 - New Commercial rate structure.
 - Updated rates for roll-off and temporary container rentals.
 - No changes to Recycling or Residential Garbage rates.
 - Updates to miscellaneous fees to better recognize the true cost of service.
- Updated collection schedule for recycling and green waste to bi-weekly.
- Updates to accepted/prohibited items.
- Updated language for businesses permitted to utilize rolling containers.
- Updates to Sec. 110-59.1 (Roll-off service open top) to add language aligning with provisions in the rental agreement.

STRATEGIC PLAN REFERENCE:

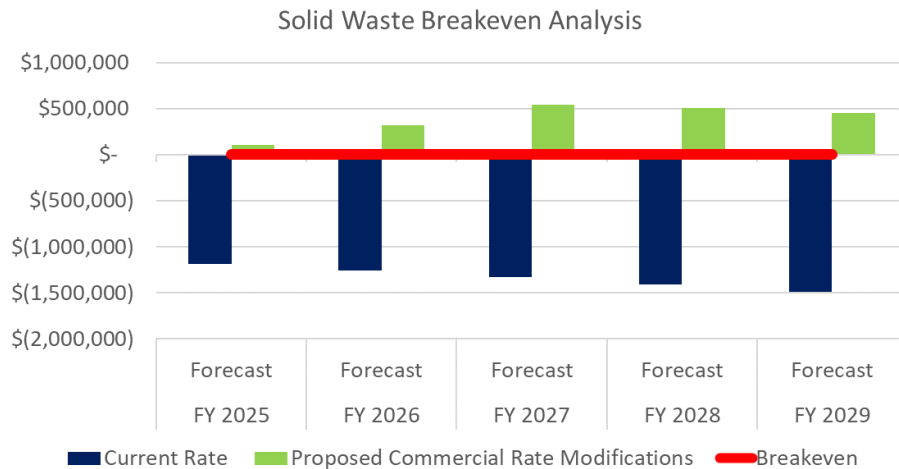
Economic Mobility Enhanced Connectivity Community Identity

Organizational Excellence Community Well-Being N/A

Considering statutory and market-based factors, continue to diversify revenue streams to support long-term fiscal sustainability of the organization.

FISCAL IMPACT:

As referenced in the below graph, forecasting just the proposed commercial rate increases will result in revenues exceeding expenditures in the first fiscal year and will continue to sustain operations for at least the next five fiscal years.



Additionally, the service level modifications proposed for the residential services division will provide expenditure savings which will allow for further sustainability of that division.

RECOMMENDATION:

Staff recommends approval of the ordinance.

ORDINANCE NO. 2024 - ____

AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES CHAPTER 110, SOLID WASTE CODE BY AMENDING COMMERCIAL RATES AND OPERATIONAL CHANGES; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels established an ordinance containing rules, regulations, policies, and rate provisions affecting solid waste within the City limits and collection and disposal of same (Chapter 110 “Solid Waste”, Code of Ordinances of the City of New Braunfels); and

WHEREAS, the commercial rate structure along with other miscellaneous fees needs to be updated to financially sustain the operation; and

WHEREAS, current rates for services should be moved to an appendix for ease of access; and

WHEREAS, collection for recyclable materials and green waste shall be changed from weekly to bi-weekly collection; and

WHEREAS, updates to accepted and prohibited items, language regarding rolling carts for business operations, and updates to language regarding roll-off services are necessary to match current operations; and

WHEREAS, the City Council of the City of New Braunfels, Texas has the authority under its Home Rule Charter and under the laws of the State of Texas to adopt regulations aimed to protect the health, safety, and general welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

Section 1: That Chapter 110 of the New Braunfels Code of Ordinances shall be amended to hereinafter read as follows:

Chapter 110 SOLID WASTE*

Article I. In General

- Sec. 110-1. Short title.
- Sec. 110-2. Definitions.
- Sec. 110-3. City to provide Solid Waste services.
- Sec. 110-4. Placement of Residential garbage, recycling and green waste.
- Sec. 110-5. Services not furnished by City.
- Sec. 110-6. Collection methods.
- Sec. 110-7. Solid Waste Collection Services.
- Sec. 110-8. Service charges; billings.
- Sec. 110-9. Dumping prohibited.
- Sec. 110-10. Meddling and scavenging.
- Sec. 110-11. Public disposal.
- Sec. 110-12. Permitting of private haulers.
- Sec. 110-13. Hardship Residents; carry out service.
- Sec. 110-14. Duty of property owners to trim overhanging trees, etc., and remove debris.
- Sec. 110-15. Violations by corporations.
- Sec. 110-16. Penalty for violation of chapter.
- Sec. 110-17. Prohibited materials.
- Sec. 110-18. Garbage collection on private streets.
- Sec. 110-19. Refusal of service.
- Sec. 110-20 - 110-38. Reserved.

Article II. Containers

Division 1. Residential Users

- Sec. 110-39. Automated Residential Garbage Collection.
- Sec. 110-40. Automated Residential Recycling Collection.
- Sec. 110-41. Green Waste.
- Sec. 110-42. Residential bulk trash/large brush placement and collection services.
- Sec. 110-43--110-55. Reserved.

Division 2. Business, Commercial, Industrial and Institutional Users

- Sec. 110-56. Commercial containers furnished by City, use of.
- Sec. 110-57. Prohibited items for commercial containers.
- Sec. 110-58. Container pads and enclosures for commercial containers.
- Sec. 110-59.1. Roll-off service open top
- Sec. 110-59.2. Compactor services
- Sec. 110-60. Charges.
- Sec. 110-61. Containers not furnished by City, requirements for use.
- Sec. 110-62. Recyclables to be collected.
- Sec. 110-63. Conflicts of ordinances; liability
- Sec. 110-64--110-80. Reserved.

[Appendix X: Solid Waste Fee Schedule](#)

ARTICLE I. IN GENERAL

It is hereby declared the policy of the City of New Braunfels, within Comal and Guadalupe counties, State of Texas, to preserve and maintain the clean and wholesome character of its environment and to preserve and maintain

the health and welfare of its residents and businesses within the incorporated area of the City, and in so doing it is necessary to establish regulations governing the accumulation, storage and disposal of garbage, refuse, rubbish, litter and other waste materials within the Incorporated City of New Braunfels.

Sec. 110-1. Short title.

This chapter shall be known and may be cited as the “Solid Waste Code” of the City.

Sec. 110-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apartment: means a self-contained housing unit that occupies only part of a building. Such a building may be called an apartment building/condominium, especially if it consists of many apartments for rent. Apartments may be owned by an owner/occupier or rented by tenants.

Approved Container: A container of various sizes furnished by the City to residential and commercial customers to store solid waste and recycling for collection.

Bag: means a plastic bag sack or trash compactor sacks designed to store refuse and having sufficient wall strength, a thickness of no less than two (2) mils, to maintain physical integrity when lifted at the top, with opening closed; or biodegradable Kraft paper yard waste bags.

Bi-weekly: occurring once every two weeks on a designated day.

Biodegradable: means decomposable by natural process.

Brush: means cuttings or trimmings from trees or shrubs and similar materials.

Bulky Waste: means large objects or stable matter with weights and/or dimensions and proportions greater than those allowed for in basic collection, including but not limited to stoves, water heaters, washing machines, furniture, loose brush, loose tree limbs and trimmings, and bundles in excess of forty pounds (40 lb.) in weight. This definition shall exclude household waste, construction debris, dead animals, or hazardous waste.

Bundle: means loose objects of the same characteristics, such as tree, shrub, or brush trimmings, securely tied together using rope or twine forming an easily handled package not exceeding four feet (4') in length or forty pounds (40 lb.) in weight.

Business: as used herein, shall mean any commercial operation, or any usage of property for other than residential purposes, involving the employment of any individual, or the sale or manufacture of any product.

Church: a place for the purpose of religious study, worship, fellowship, education and contemplation, including but not limited to a sanctuary, parish house, public school, parochial school, rectory or convent. For the purpose of this article, real property used as a church shall be considered a commercial usage.

Chlorofluorocarbons (CFC's): means coolant found in air conditioners, freezers, and refrigerators; also, propellants (in aerosol applications) and solvents; they are also commonly known by the DuPont trade name Freon.

City: means the governmental entity and/or the corporate limits of the City of New Braunfels located in Comal and Guadalupe Counties.

City Recycle Center Aka Recycle Drop-Off Center: means a designated location, either temporary or permanent, within the City of New Braunfels established for the receipt of recyclable material including, but not limited to, aluminum, cardboard, glass, metal, paper, and plastic.

Collection: means the act of removing solid waste (or materials that have been separated for the purpose of recycling) which have been placed for the purpose of collection and transportation to a permitted solid waste disposal or processing facility.

Collection frequency: The number of times per week that collection service is provided.

Commercial Customer: means any enterprise or establishment whose main purpose is to carry on a commercial activity whether for profit or not. Typically includes, but not limited to, such enterprises as; hotels, motels, restaurants, fast food establishments, retail stores, schools, offices, shopping centers/malls/plazas, factories/manufacturing facilities, warehouses, and high-density occupied dwellings such as apartment/condominium complexes and mobile home parks.

Construction Waste: means waste resulting from construction or demolition projects; includes all materials that are directly or indirectly the by-products of construction work or that result from demolition of buildings and other structures, including, but not limited to paper, cartons, gypsum board, wood, rubber, glass, metal, plastics, etc.

Container: means any portable device in which a material is stored, transported, or processed.

Customer: means a person, firm, partnership, association, corporation, governmental entity, or other entity receiving service provided from the City.

Disposal: means the discharge, deposit, dumping, spilling, leaking, or placing of any solid or liquid waste (whether containerized or non-containerized) into or on any land.

Disposal Site: means a managed area of land upon which solid waste is disposed of in accordance with standards, rules or orders established by the Texas Commission on Environmental Quality (TCEQ).

EPA: means Environmental Protection Agency.

Excess Garbage: Garbage or rubbish that will not fit into the city-issued approved container but may be put in plastic bags, not larger than thirty-three (33) gallons, and placed at the curb at least three (3) feet from the approved container and marked with a City issued excess garbage tag.

Excess Garbage Fee: means fee associated with excess garbage.

Garbage: solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce and other food products.

Green Waste: means leaves, grass clippings, yard and garden trimmings, brush, including clean woody vegetative material measuring six inches or less in diameter that results from home owner landscaping maintenance and not commercial land clearing operations. This term does not include stumps, roots, yucca, cactus, palm debris, soil or rocks.

Hazardous waste: means any liquid or solid waste identified or listed as a hazardous waste by the administrator of the U.S. Environmental Protection Agency (EPA) pursuant to the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976.

Hardship Resident: means City residents who for health reasons established to the satisfaction of the Solid Waste Manager or designee, who are unable to physically place their cart curbside for collection, and who live alone or have no one residing with them physically able to place the cart curbside.

Household hazardous wastes: means any hazardous waste determined to be from residential origin and shall include but not limited to bleaches, herbicides, pesticides, drain cleaners, paint thinners and solvents, oil-based paints, and sharp objects such as syringes.

Illegal dumping: discarding waste in an illegal manner, where it doesn't belong and/or where environmental damage is likely due to improper disposal.

Litter: means any man-made or man-used object, organic or inorganic material, or solid waste and specifically includes trash which is not properly placed in a container, or an authorized sanitary waste disposal site; or another approved area, depository or in, a vehicle designated for transport or disposal of litter, trash, garbage, or waste.

Missed Service: (City caused) customer whose container was not collected because City inadvertently missed collection of a properly placed container.

Missed Service: (Customer caused) customer whose container was not collected because it did not meet the required conditions of this code.

Municipal Solid Waste: means Garbage, rubbish, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and industrial activities. The term does not include:

- (a) Solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued under Texas Water Code Chapter 26;
- (b) Soil, dirt, rock, sand, and other natural man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements; or
- (c) Waste materials that result from activities associated with the exploration, development, or production of oil or gas or geothermal resources and other substance or material regulated by the Railroad Commission of Texas under Natural Resources Code, §91.101, unless the waste, substance, or material results from activities associated with gasoline plants, natural gas liquids processing plants, pressure maintenance plants, or re-pressurizing plants and is hazardous waste as defined by the administrator of the United States Environmental Protection Agency under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended (42 United States Code, §§6901 *et seq.*).

Non-collection material: Materials that shall not be collected by the Solid Waste [and Recycling](#) Division, including, but not limited to, rock, dirt, manure, dead animals, hot coals, ashes, embers, tire and wheel combinations, tires, hazardous waste material, lead acid batteries, engines, lawn mowers, riding mowers, liquid waste of any kind, vehicle bodies, boats, mobile homes, trailers, campers, and other items of like size; waste from undeveloped property, and landscaping waste for new homes or commercial sites.

Overloaded container: A container in which the capacity is exceeded, which is indicated by trash extending above the container rim, so the lid will not close properly.

Point of collection: A geographical point on or near a customer's property where approved containers are placed for collection service [as designated by Solid Waste Manager or designee](#).

Premises: means businesses, houses, boardinghouses, theaters, offices, hotels, restaurants, cafes, eating houses, tourist camps, apartments, sanitariums, rooming houses, schools, private residences, tourist camps, vacant lots and all other places within the City where garbage, trash or rubbish accumulates in ordinary quantities.

Putrescible Waste: means organic wastes, such as garbage, waste water treatment plant sludge, and grease trap waste, that is capable of being decomposed by microorganisms with sufficient rapidity as to cause odors or gases or is capable of providing food for or attracting birds, animals, and disease vectors.

Recycling: means a process by which materials that have served their intended use or are scrapped, discarded, used, surplus, or obsolete are collected, separated, or processed and returned to use in the form of raw materials in the production of new products.

Recyclable Material: means a material that has been recovered or diverted from the non-hazardous waste stream for purposes of reuse, recycling, or reclamation. Recyclable material is not solid waste.

Recycling program: means the organized collection of recyclable material for the purpose of resource recovery and recycling in pursuit of the goals of the city.

Refuse: means all putrescible and non-putrescible solid waste including garbage and rubbish.

Residential Unit: means a dwelling within the corporate limits of the City of New Braunfels within Comal and Guadalupe Counties occupied by a person or group of persons.

Roll-off container: means a container used for the storage, collection and transportation of municipal, commercial, institutional, or industrial solid waste.

Route: means a series of concurrent stops to collect solid waste; a path regularly visited by a collection vehicle.

Rubbish: means non-putrescible solid waste (excluding ashes) consisting of both combustible and noncombustible waste materials. Combustible waste materials include but are not limited to paper, rags, cartons, wood, furniture, rubber, plastic, yard trimmings and leaves. Noncombustible waste materials include but not limited to glass, tin cans, and metals.

Salvaging: means the controlled removal of waste materials for utilization, recycling, or sale.

Scavenging: means the uncontrolled and unauthorized removal of materials from a disposal or recycling center, any container, bag, or container within the corporate limits of the City or County.

Scrap Tire: means any tire that can no longer be used for its original intended purpose.

Screening: means process to detect and prevent unauthorized waste from entering the waste stream.

Service area: A geographic area within which solid waste collection services are provided.

Solid Waste Manager: means City official whose responsibility is the overall direction of the Solid Waste [and Recycling](#) Division.

Special Pickup: means service required to pick-up and dispose of discarded items not serviced under normal collection procedures outlined in these provisions.

Special Waste: means any commercial or residential garbage, trash, rubbish, hazardous waste, infectious waste, or other solid waste that because of its quantity, concentration, physical or chemical characteristics or biological properties is not collected by the City's Solid Waste [and Recycling](#) Division.

Uncovered: means any load of garbage or refuse which is uncontrolled to the extent that the garbage or refuse can escape from the carrier either from the top, sides or the bottom of the carrier under ordinary circumstances of travel.

Unprepared Solid Waste: means any solid waste garbage, brush, rubbish, recycling material or green waste which has not been placed in an approved cart or prepared for collection or is in contact with the ground, regardless of surface.

Vacant Lot: means land held and maintained in its natural state without building improvements or active utility account(s).

Vector: means an agent such as an insect or animal which transmits diseases from one person or animal to another.

White Goods: means major appliances such as refrigerators, freezers, washing machines, dryers, hot water heaters, stoves, and dishwashers.

Sec. 110-3. City to provide Solid Waste Services.

The City's Solid Waste and Recycling Division shall be the exclusive provider of residential and commercial garbage, residential recycling, residential green waste and residential refuse collection for all premises within the City. Service can be provided by an approved private hauler, where the Solid Waste Manager or designee has determined certain service is not available or furnished by the City, or it is not in the best interest of the City to provide service. It shall be unlawful for any person or entity to provide residential or commercial garbage, rubbish, recycling, green waste or refuse collection to any person or business for compensation within the City, or to make use of the public streets for that purpose, without first obtaining an approved service agreement with the City.

All residential, commercial, governmental, and non-profit premises must subscribe to City solid waste services or an approved City provider where the City is not providing said service as determined by the Solid Waste Manager or designee.

Sec. 110-4. Placement of Residential garbage, recycling and green waste.

The City's Solid Waste and Recycling Division shall not collect garbage, rubbish, green waste, or recyclable materials where such materials are not prepared for collection and placed as designated by the terms of this section. Failure to comply will be an offense and each day's failure to comply will constitute a separate offense.

- (a) All items (example: carts, trash bags, recyclables, green waste and/or biodegradable bags) intended for City collection shall be placed on the addressed side of the structure or designated point of collection approximately five (5) feet laterally from any obstacle. Place cart at the street's edge with the wheels against the curb, where curbs exist, or wheels facing away from main street section, where curbs do not exist.
- (b) The Solid Waste Manager or designee shall have the authority to designate an alternative point of collection with consideration for such factors as: employee safety, equipment maneuverability convenience for customers, hazardous conditions such as cables, utility poles, equipment clearance, animals; and collection costs.
- (c) Collection materials shall be placed no earlier than 8:00 p.m. the day prior to collection day, and no later than ~~6:30~~6:00 a.m. on the day of scheduled collection. At all other times garbage, recyclables and green waste shall be kept at the side or rear of structure no closer to the street than the front of said structure.
- (d) No items shall be placed out for collection in an alley way, under any overhead lines of any type or low overhanging branches and shall be placed five (5) feet from any obstacle or structure. Exceptions to this shall only be given by the Solid Waste Manager or designee.

- (e) Green Waste such as tree leaves and grass shall be placed at the curb in biodegradable Kraft paper yard waste bags and shall not weigh more than forty pounds (40 lbs.) each. Bags will be provided at the discretion of the City and availability will be limited by budgetary and ordering constraints. When bags are not available for distribution by the City the customer will be responsible for securing bags to meet their needs at their cost. Brush, tree trimmings and limbs shall be totally separated from all other waste, including metals, lumber, paper, plastic, furniture, and appliances. Brush that cannot be placed in bags should be cut into four (4) foot lengths and bundled with rope or twine. Any waste regardless of quantity or sizes mixed with tree and shrubbery trimmings constitutes a violation of this section and shall not be collected.
- (f) It shall be unlawful to park, place, allow, permit or cause to be parked, place any motor vehicle, trailers, boats, or similar obstruction within five ~~feet~~ (5') feet of, or obstruct in any manner the collection of solid waste contained in a commercial or residential solid waste or recycling container.

Sec. 110-5. Services not furnished by City.

- (a) Disposal services for the following are not furnished by the City's Solid Waste and Recycling Division; the person or company that is in charge of the property where such accumulations or materials are found on the property or in a solid waste container/container shall be responsible for and required to remove and dispose of the accumulations in the manner and by the method directed by the Solid Waste Manager or designee:
 - Wholesale food establishments.* Places of wholesale accumulations, such as killing and dressing facilities for animals, fowl, wholesale fruit and vegetable houses, storage and other places where the daily accumulation of garbage and rubbish is more than the ordinary quantities.
 - (b) *Dead animals.* Whole or part of dead animals, such as but not limited to, cows, horses, and mules.
 - (c) *Manure.* Manure from cow lots, horse stables, poultry yards, and pigeon lofts.
 - (d) *Garages and filling stations.* Waste oils from garages or filling stations.
 - (e) *Used Tires.* Any used tires from service station, retail tire outlets, junk yards, etc.
 - (f) *Burned materials.* Any accumulations of ashes, clinkers and cinders.
 - (g) *Construction.* Any accumulations such as brick, broken concrete, lumber, dirt, plaster, sand or gravel, etc.
 - (h) *Bulky materials.* Automobile frames, dead trees, and other bulky, heavy material: including but not limited to mattresses, box springs, furniture, etc.
 - (i) *White goods.* White goods containing chlorofluorocarbons (CFC's, commonly known by the DuPont trade name Freon) i.e. refrigerators, freezers, and air-conditioning units.
 - (j)(k) *Electronic goods.* Computers, televisions and other electronic goods.
 - (j)(k) *Metal items. i.e. pipes, bars, etc.*

Sec. 110-6. Collection methods.

No one except the duly authorized agents and employees of the City shall empty garbage carts, recycling carts, or green waste or convey or transport garbage or recyclables on the streets, alleys and public thoroughfares of the City without first obtaining an approved permit with the City.

Anything left or placed within a three-foot radius of any approved container at its point of collection shall be deemed as placed or left there for collection, and the Solid Waste and Recycling Division and its employees shall not be liable for the removal thereof.

Sec. 110-7. Solid Waste Collection Services

Standard residential solid waste collection service shall include once-a-week collection of garbage and ~~once-a-week~~ bi-weekly collection of recyclables and green waste. Standard commercial solid waste collection service

shall include garbage collection of a frequency and volume as stated in ~~Sec. 110-8 Service charges; billings~~ Appendix X: Solid Waste Fee Schedule but no less than once per week.

- (a) *Residential.* In the residential areas, garbage shall be prepared for collection to be made no more than one time per week. Garbage volume shall not exceed one 96-gallon cart or one ~~4865~~-gallon cart at each collection, the container lid must close completely. Any garbage in excess of this limit shall not be collected unless the bag with the excess garbage is tagged with a City issued sticker and placed at least five (5') feet laterally away from a City issued cart. In those areas where automated recycling is provided (single family residences, duplex apartments, triplex apartments, and fourplex apartments), collection of recyclables and green waste shall be made ~~one time per week~~bi-weekly.
 - (1) Any person making application for water and/or electric utility service inside the City limits shall be deemed to have applied for garbage and recycling services and shall be considered a customer of the Solid Waste and Recycling Division of the City until such time as ~~all utility water and/or electric~~ service to such person has been discontinued. The cost of residential garbage service shall be as defined in ~~Sec. 110-8 Service charges; billings~~Appendix X: Solid Waste Fee Schedule.
 - (2) New single-family residences or premises shall be exempted from City residential garbage collection service charges while under construction and until initial occupancy of the structure. Initial occupancy shall be interpreted as the sale or lease of the property to a second party for occupancy, commercial use as a model home, or the first electric meter account change from contractor to occupant, whichever occurs first.
 - (3) Excess garbage stickers shall be made available at locations designated by the Solid Waste Manager or designee.
 - (4) Excess garbage service utilizing an additional City issued garbage container (limit ~~two~~one), will be evaluated for approval by the Solid Waste Manager or designee. Excess garbage service provided through a City issued additional garbage container shall be required for a minimum four consecutive months before the service can be discontinued, reinstated, changed or modified. The cost of the excess garbage stickers or a City issued additional cart shall be as defined in ~~sec. 110-8 service charges; billings~~ Appendix X: Solid Waste Fee Schedule.
- (b) *Commercial business.* In the commercial and/or business districts comprising hotels, motels, boardinghouses, apartments, condominiums, churches, rest homes, funeral homes, sanitariums, hospitals, recreation areas, retail, restaurants, and cafes, collection will be made as often as may be necessary to comply with sanitary standards but no less than once weekly.
 - (1) Commercial customers making application for water and/or electric utility service inside the City limits shall be deemed to have applied for garbage service and shall be considered a customer of the Solid Waste and Recycling Division of the City until such time as ~~all utility water and/or electric~~ service to such person has been discontinued. The cost of commercial garbage service shall be as defined in ~~sec. 110-8 Service charges; billings~~ Appendix X: Solid Waste Fee Schedule. Commercial customers requiring seasonal service may request a change in service with 30 days' notice to the City. Any change in service shall be locked in for a minimum four-month time period before the service can be changed or modified.

Sec. 110-8. - Service charges; billings.

- (a) *Residential.* The fair and reasonable charges for providing garbage removal service for residential areas shall be as set out in ~~this subsection~~ Appendix X: Solid Waste Fee Schedule and unless noted otherwise such charges shall be collected monthly.

- (1) Residential unit:
 - Refuse \$13.40
 - Recycling 4.26
 - Total 17.66
- (2) Apartment minimum 13.40
- (3) Brush/bulky pick up, minimum for first ~~quarter~~one-half hour 25.00
 - Each one-half ~~quarter~~ hour thereafter 25.00
- (4) Excess garbage tags, per five tags 10.00
- (5) Excess garbage fee for additional residential cart 6.50
- (6) Administrative fee for additional recycling cart No charge
- (7) Administrative fee for additional cart, per request for service charge per each container 10.00
- (8) Replacement cart (second request and after): Actual cost of cart
- (9) Container rental (each 3–8 cubic yard container) 45.00
- (10) Container collection service, per each collection:
 - Three cubic yards 15.00
 - Four cubic yards 20.00
 - Six cubic yards 30.00
 - Eight cubic yards 40.00
- (11) Missed service (resident caused) (as determined by solid waste manager or designee), each occurrence 15.00
- (12) Missed service (city caused), or undetermined cause No charge

(b) *Commercial/business.* The fair and reasonable charges for providing garbage removal service for each business shall be as set out in ~~this subsection~~ Appendix X: Solid Waste Fee Schedule, and such charges shall be collected monthly:

- (1) *Commercial standard carts collected one time per week.*
 - a. Minimum charge (two 96-gallon carts) \$ 29.32
 - b. Additional commercial 96-gallon cart (limit two), each 14.66
 - c. Administrative fee for additional cart, per request for service charge 10.00
 - d. Brush/bulky pick up, minimum for first one-half hour 25.00
- (2) Necessary dumpster cleaning, repair, and painting after a fire in container 250.00

- ~~(3) Dumpster cleaning required by Solid Waste Manager or customer requested, due to odor, unsanitary, or unsafe condition 75.00~~
- ~~(4) Mechanical assistance to remove unauthorized and/or oversized items from container65.00~~
- ~~(5) Manual collection of excess garbage and rubbish on site 140.00 per hour based on total amount of time including, but not limited to, travel, loading, disposal, and weight of contents.~~
- ~~(6) Installation of locking mechanism 30.00~~
- ~~(7) Key charge 5.00~~
- ~~(8) Waiting time for blocked container (requested by customer) 134.40/hour; 2.24/minute~~
- ~~(9) Overloaded/excess garbage fee

 - a. 3 cubic yards 15.00
 - b. 4 cubic yards 20.00
 - c. 6 cubic yards 30.00
 - d. 8 cubic yards 40.00
 - e. 10 cubic yards 50.00~~
- ~~(10) Three cubic yards.

 - a. One time per week 97.71
 - b. Two times per week 112.18
 - c. Three times per week 123.95
 - d. Four times per week 184.22
 - e. Five times per week 185.08
 - f. Six times per week 185.92~~
- ~~(11) Four cubic yards.

 - a. One time per week 123.02
 - b. Two times per week 138.33
 - c. Three times per week 153.04
 - d. Four times per week 187.49
 - e. Five times per week 232.50
 - f. Six times per week 247.22~~
- ~~(12) Six cubic yards.

 - a. One time per week 174.82
 - b. Two times per week 191.30
 - c. Three times per week 208.37
 - d. Four times per week 265.61
 - e. Five times per week 317.84
 - f. Six times per week 320.79~~

~~(13) Eight cubic yards.~~

- ~~a. One time per week 226.03~~
- ~~b. Two times per week 249.99~~
- ~~c. Three times per week 263.70~~
- ~~d. Four times per week 343.74~~
- ~~e. Five times per week 374.94~~
- ~~f. Six times per week 411.33~~

~~(14) Ten cubic yards.~~

- ~~a. One time per week 277.83~~
- ~~b. Two times per week 312.51~~
- ~~c. Three times per week 319.03~~
- ~~d. Four times per week 421.82~~
- ~~e. Five times per week 446.76~~
- ~~f. Six times per week 467.36~~

~~(15) Three cubic yard compactor, customer-owned.~~

- ~~a. One time per week 108.57~~
- ~~b. Two times per week 133.88~~
- ~~c. Three times per week 156.50~~
- ~~d. Four times per week 227.62~~
- ~~e. Five times per week 239.33~~
- ~~f. Six times per week 251.03~~

~~Four cubic yard compactor, customer-owned.~~

- ~~a. One time per week 139.29~~
- ~~b. Two times per week 165.45~~
- ~~c. Three times per week 196.44~~
- ~~d. Four times per week 241.74~~
- ~~e. Five times per week 303.03~~
- ~~f. Six times per week 334.02~~

~~Six cubic yard compactor, customer-owned.~~

- ~~a. One time per week 196.52~~
- ~~b. Two times per week 234.70~~
- ~~c. Three times per week 273.47~~
- ~~d. Four times per week 352.41~~
- ~~e. Five times per week 420.91~~
- ~~f. Six times per week 445.57~~

~~Eight cubic yard compactor, customer owned.~~

- ~~a. One time per week 253.15~~
- ~~b. Two times per week 304.24~~
- ~~c. Three times per week 350.50~~
- ~~d. Four times per week 452.24~~
- ~~e. Five times per week 515.99~~
- ~~f. Six times per week 579.51~~

~~(19) 20 cubic yard compactor, customer owned.~~

- ~~a. One time per month 393.86~~
- ~~b. Two times per month 786.63~~
- ~~c. Three times per month 1,180.48~~

~~30 cubic yard compactor, customer owned.~~

- ~~a. One time per month 508.87~~
- ~~b. Two times per month 1,017.73~~
- ~~c. Three times per month 1,526.60~~

~~40 cubic yard compactor, customer owned.~~

- ~~a. One time per month 623.88~~
- ~~b. Two times per month 1,247.75~~
- ~~c. Three times per month 1,871.63~~

~~Open top roll off rates 20, 30, and 40 cubic yards.~~

- ~~a. Minimum one month rental 150.00~~
- ~~b. Delivery fee 150.00~~
- ~~c. Service fee, plus disposal fee for weight of container contents 150.00~~

- (c) *Discarded used tire pickup.* The collection and removal of discarded tires from service stations, retail tire outlets, junkyards and similar establishments shall be the responsibility of those respective establishments at their own cost and are not considered municipal solid waste.
- (d) *Lien created.* The mayor or local health authority shall file a statement of expenses incurred under this section, giving the amount of such expenses, the date on which such work was done or improvements made, with the county clerk of Comal County, Texas; and the city shall have the privileged lien on such lot or lots or real estate upon which such work was done or improvements made to secure the expenditures so made, in accordance with the provisions of V.T.C.A., Health and Safety Code § 342.003 et seq., which such lien shall be second only to tax liens and liens for street improvements; and such amount shall bear ten percent interest per year from the date such statement was filed. It is further provided that for any such expenditures and interest, as aforesaid, suit may be instituted, and recovery and foreclosure of such lien

may be had in the name of the city; and the statement of expenses so made, as aforesaid, or a certified copy thereof shall be prima facie proof of the amount expended for such work improvements.

- (e) *Special provisions.* A fee in the amount shown on the schedule below shall be assessed to each commercial business account requiring a collection frequency greater than their normal weekly pick up. This fee shall be collected monthly and shall be known as a call-in collection of commercial containers as defined in Appendix X: Solid Waste Fee Schedule:

~~Call in collection charges:~~

~~Three cubic yards \$123.88
Four cubic yards 152.75
Six cubic yards 211.25
Eight cubic yards 276.07
Ten cubic yards 345.11~~

~~Call in collection charges (roll-off/front load compacting containers):~~

~~Three cubic yards 133.06
Four cubic yards 170.75
Six cubic yards 240.39
Eight cubic yards 310.32
20 cubic yards 482.79
30 cubic yards 623.77
40 cubic yards 764.75~~

- (f) *Penalty.* Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined in any sum not exceeding \$1,000, and each day's violation shall constitute a separate and distinct offense. If the owner or occupant of any lot, lots or premises under the provisions of this chapter shall be a corporation, and shall violate any provisions of this section, the president, vice-president, secretary, treasurer of such corporation, or any manager, agent, or employee of such corporation shall be also severally liable for the penalties provided in this section.

- (g) *Billings.* A bill for garbage collection services will be rendered no less frequently than monthly. The "net amount due" stated on the bill is due when the bill is rendered. The bill shall be considered delinquent in 14 days from the date rendered (the "net amount due date" shown on the bill). A delinquency or late charge equal to ten percent of the net amount due shall be payable in addition to the next amount due if the bill is not paid by the net amount due date.

- (h) *Fees.* All fees paid for garbage and recycling services shall be placed in a separate enterprise fund for the purpose of funding the provision of these services. All fees and rates shall be set by resolution or ordinance and adopted by city council.

- (i) *Charges set:* The City council shall from time to time set by resolution or ordinance all charges and assessments to be collected from each customer. The City shall reimburse for up to six (6) months of any overcharges. Customers may be liable for up to six (6) months of undercharges.

Sec. 110-9. - Dumping prohibited.

- (a) It shall be unlawful and is hereby declared a public nuisance for any person to throw, dump, deposit or place any litter, trash, or waste material of any kind on public or private property within the city limits or its

extraterritorial jurisdiction. It shall be an affirmative defense to prosecution that the litter, trash, or waste material was thrown, dumped, deposited or placed at a city-designated disposal area.

- (b) Any person who shall violate any of the provisions of this section or fail to comply therewith shall be deemed guilty of a class "C" misdemeanor and, upon conviction, shall be fined not less than \$200 nor more than \$2,000 and be liable for cleanup costs associated with removal. This offense is hereby declared to be a strict liability offense and the culpable mental state required by V.T.C.A., Penal Code Ch. 6.02 is hereby specifically negated and clearly dispensed with.

Sec. 110-10. - Meddling and scavenging.

The meddling with or theft from garbage cans and recycling containers or in any way pilfering, scavenging, or scattering contents from any such container is prohibited. It is further prohibited for any person to place or remove anything in any can, container, dumpster, or container unless placed or removed by the person or entity owning or exercising control over the container or paying for its use.

Sec. 110-11. - Public disposal.

- (a) *Residence and business owners.* Residence and business owners shall not dispose of garbage, trash, rubbish, bottles, broken glass, cans, and dead animals by placing same in public trash barrels or garbage containers in public places, along city streets, or in driveways, rivers, or creeks.
- (b) *Picnics and parties.* Persons picnicking in or using the facilities of any park or any public place in the city shall place all their garbage, trash, rubbish, bottles, broken glass, cans, and dead animals in trash barrels or containers provided in such public places for that purpose.
- (c) *River related activities.* Persons using river amenities shall place all their garbage, trash, rubbish, recyclable material, etc. in appropriate bags or devices while in the water or upon exit from the water in barrels or containers provided in such public places for that purpose and shall not deposit litter in the river or on adjacent lands.

Sec. 110-12. Permitting of private haulers.

- (a) It is unlawful to operate a solid waste vehicle without a permit. It shall be an offense for a person to engage in the business or occupation of hauling, collecting, disposing, or offer to haul, collect or dispose of solid waste or recyclable materials within the City's corporate limits unless the person has obtained and affixed a current, valid permit decal to each vehicle covered by this section. Under authority of V. T. C. A., Local Government Code CH. 217, sub. Ch. C, regulation by a home rule municipality. It is further declared a public nuisance for a person to collect or offer to collect, or to dispose or offer to dispose of, solid waste within the City's corporate limits unless the person has secured and affixed a current, valid permit decal to each vehicle covered by this section.

(1) For the purpose of this section *Vehicle* means a "for-hire" or other commercial, industrial, motorized instrument of solid waste conveyance regulated under this section, and used, designed and/or equipped to collect, move, or dispose of solid waste materials within the corporate limits of the City. For example, vehicle includes, but is not limited to, those owned or operated to haul waste generated by the owner of the vehicle, such as a demolition company, construction company, commercial or residential builder, including but not limited to hazardous or special wastes regularly or occasionally collected or disposed within the City's jurisdiction, including those vehicles that transport liquid wastes.

(b) *Permitting procedure.*

- (1) Each application for a permit required by this section shall be made to the Solid Waste and Recycling Division, and shall include:
 - a. Name, business address, and telephone number of the applicant solid waste hauler;
 - b. The trade name under which the applicant hauls or intends to haul solid waste;
 - c. The number and type of vehicle(s) the applicant intends to operate, together with a general physical description of each vehicle (e.g. year made, model, manufacture's rate capacity) along with state registration number;
 - d. The period the applicant has been engaged in the activity of hauling solid waste refuse and the daily hours of operation intended for collection transportation and disposal activities.
 - e. Address of container, number of containers at each location, and size of containers
 - f. Statement whether the applicant or any person or entity with whom he has been associated or employed has a claim or judgment against him for damages resulting from the negligent operation of a vehicle;
 - g. Statement of the financial ability and responsibility of the applicant;
 - h. Certificates of Insurance - copy of proof that the applicant has a valid general (public) liability insurance policy for the full term of the license period in the amounts of not less than \$500,000. In addition, a business automobile liability coverage for each vehicle operated by the hauler with combined single limits for bodily injury and property damage of not less than \$500,000. The policies shall contain a provision requiring that the City be provided with a 30-day notice, in writing, of cancellation or material change in the policies. In the event of cancellation or material change in the hauler's policies, the permit shall be suspended along with the hauler's vehicular activities until such time as the hauler can again secure appropriate coverage.; and
 - i. Such other information as the permitting officer may reasonably require.
- (2) Each application for a permit under this section shall be accompanied by a permit fee in an amount equal to \$2,000 for each truck with a gross vehicle weight of 7,000 pounds or more and \$150 for each truck with a gross vehicle weight of 6,999 pounds and less operated.
- (3) The permitting period under this section shall be for one year, twelve (12) months from the date of issuance, if issued and fully paid at commencement of the permit year, January 1 of each year. Quarterly permits may be secured on January 1, April 1, July 1, and September 1 of each calendar year, or the next business day should any of the above dates fall upon weekends or City holidays. These individual quarterly permits and quarterly fee payments shall not be pro-rated for use of the vehicle during partial quarters. Failure to pay within a ten (10) day grace period will result in a ten (10%) percent late fee penalty. The annual permit is required to be renewed each year by January 2 or the first City working day after January 1 and the permit fee shall be paid each time the permit is renewed for the upcoming calendar year ending on December 31.
 - a. Prior to the issuance of a solid waste hauler permit, the applicant shall pay the current permit fee for each vehicle in accordance with the vehicle permit fees in this section. Such fees may be reviewed by the City annually and adjusted by the City Council.
 - b. Applicant will be entitled to prorate annual permit fees for vehicle units added after commencement of the annual permit period. Proration's shall not be allowed on a daily or monthly basis but will be calculated on a quarterly basis. Any portion of a quarter for which a permit fee is paid must satisfy the entire quarterly obligation.
 - c. Late payments, made after a ten (10) day grace period, applicable to annual and quarterly payments, shall be subject to a ten (10%) percent late fee penalty.
 - d. Vehicles owned and/or leased by the City are exempt from paying the vehicle permit fee and from displaying a permit decal.
- (4) The permit issued under this section is nontransferable and may be revoked by the City at any time when in its judgment such action is in the best interest of the public, without refund or rebate to the permittee for any unused portion of the permit fee.

- (5) Before any permit under this section is issued or renewed, the Solid Waste Manager or designee shall evaluate the application as necessary to determine whether the Solid Waste and Recycling Division could or should provide a comparable service and whether the public convenience or necessity requires the granting of such permit. The Solid Waste and Recycling Division shall refuse to issue a permit to an applicant when it has been determined that the best interest of the public will not be served. In such case, the application fee shall be wholly refunded to the applicant. Denial of a permit by the City of New Braunfels prevents the applicant from providing service in the City of New Braunfels. Supplying false information to the Solid Waste and Recycling Division shall be grounds for refusal to grant a permit or revocation of a permit if already issued. The hauler shall at least annually update the information contained in the application to reflect any substantive changes in the information required by the initial application. Before issuance or renewal of a permit, the Solid Waste Manager or designee shall verify that all trucks shall be marked in a manner that will make them readily identifiable and that a sticker for the current permit is affixed to the truck permitted and being used for such purpose. Commercial concerns that are not in the business of hauling solid waste for others but rather are hauling waste generated by themselves or their own commercial activities, shall permit their vehicles in accordance with this section.
- (6) Prior to the issuance of a permit, the Solid Waste and Recycling Division may require the applicant to submit for inspection by the Solid Waste and Recycling Division at a City facility each. Any City inspections hereunder shall be conducted by trained and qualified City technicians. In the event that the Solid Waste and Recycling Division chooses to inspect the vehicle, the Solid Waste and Recycling Division or its agents shall determine whether the vehicle(s) is constructed and equipped in accordance with the provisions of this section and that the vehicle(s) are generally in good repair. In addition to the initial optional Solid Waste and Recycling Division inspection prior to the issuance of a permit, designated employees of the Solid Waste and Recycling Division are hereby authorized to randomly re-inspect the vehicles at "off-road" locations periodically in order to observe that the vehicles are generally maintained in good repair and are likely not to constitute a public health hazard or public nuisance under provisions of this and any other governing ordinances. These optional "off-road" Solid Waste and Recycling Division inspections may take place at a City facility to be designated by the Solid Waste and Recycling Division. These "off-road" Solid Waste and Recycling Division inspections do not supplant the legally mandated inspection of motor vehicle requirements of the State Department of Public Safety or the State Department of Transportation. All transport vehicles shall have a valid department of public safety inspection sticker properly displayed.
- (7) The City will monitor collection sites within its jurisdiction on an as needed basis and may pursue enforcement, including, but not limited to, issuance of criminal citations to drivers of non-compliant vehicles used for hauling, citations to responsible legal entities, and establishment of predicates for civil enforcement against any responsible person.
- (8) For purposes of notice, where required by this section, it shall be sufficient to notify the permittee by certified mail at the address represented in the permit application. When a violation of this section is alleged, in contemplation of criminal or civil prosecution, certified mail, return receipt, shall be sufficient evidence of notice of violation to a permittee in whose name a permit has been issued, whether the permit is current or delinquent.

When a violation of this section is alleged, based upon a vehicle's displaying no evidence of a permit, a citation given directly to the driver of the vehicle shall be the same as and legally sufficient to effect notice of the violation to the owner. In which case, the driver is the apparent agent of the owner, as allowed by law. Thereafter, service of process for civil or criminal prosecutions shall be conducted as prescribed by law. Where the permittee is a corporation, notice may be personally, hand delivered to the president, any vice president, or agent of the corporation. In the event the president, a vice president, or registered agent cannot with reasonable diligence be found at the registered office, duplicate copies of the notice shall be sent to the registered agent identified according to records of the secretary of state by certified mail, return receipt

requested. Or, in the alternative or in supplementation, any sufficient form of substituted service provided by law may be employed.

- (9) Prior to the issuance of any permit under this section, the applicant shall demonstrate, upon the Solid Waste Manager's request, the payment of any undisputed, previously due and outstanding, sales and/or property taxes, fees, and other debts owed to the City including.

Contractors and subcontractors who perform city contracts and/or who participate in public projects must be in compliance with permit and fee requirements. Non-compliant haulers are not eligible to perform City contracts or to act as subcontractors to City contractors. Eligibility shall be verified by the city's various departments in coordination with the Solid Waste and Recycling Division.

- (10) Upon the applicant's fulfilling the requirements set out in this section, the department will issue either an annual or quarterly permit(s) to the applicant for the qualifying vehicle(s). The annual permit(s) shall be valid for a period of twelve (12) months from the date of issuance or for a quarter (three (3) months), dependent on timely payment of vehicle permit fees. The requirements set out herein must be satisfied prior to the reissuance of a permit.

a. A permit issued by the City pursuant hereto does not authorize the collection, transporting, discharge, or disposal of regulated hazardous solid wastes. Any transporter carrying hazardous solid waste from, within, or through, the City shall have obtained applicable state department of health services, state commission on environmental quality, or EPA permit(s), all as may be necessary, and use the appropriate hazardous solid waste transportation and disposal manifest and routing system.

b. Prior to the operation of any vehicle regulated by this article, each permittee:

1. Shall clearly and visibly display on both exterior sides of each vehicle on the door(s) or fender(s) the business or trade name of the hauler contained in the permit application in a color clearly contrasting with the background color in three-inch letters or larger.
2. Shall permanently affix the permit decal for prominent display as instructed by the solid waste and recycling division. The permitted solid waste hauler shall keep the vehicle permit issuance receipt, or a copy thereof, with the vehicle and/or equipment operator at all times.
3. A permit issued under this section is non-transferable from one solid waste hauler to another solid waste hauler without prior written approval of the Solid Waste Manager and submittal of proper re-registration information to the City. A permitted hauler who changes names or transfers permits by sale or other enterprise transfer, such as lease, must notify the City and pay an administrative transfer fee of twenty-five dollars (\$25.00) per vehicle or as established by subsequent City budget ordinances.

c. Solid waste hauling vehicle specifications and maintenance requirements.

1. It shall be the duty of the permittee to ensure that all solid waste transportation vehicles utilizing the public streets, public alleys, and highways within the corporate limits of the city to transport solid waste at all operational times conform to the following minimum vehicle specifications and maintenance requirements. Failure to do so shall constitute a violation of this section and permit conditions.
2. The permittee shall be required to maintain and operate its solid waste hauling vehicles and related equipment in good order to render sanitary service subject to the terms of this ordinance and the permit(s) issued pursuant hereto. The vehicles that are seven thousand (7,000 lbs.) pounds gross vehicular weight or more used in the collection of solid waste

refuse shall be all metal, watertight, and shall be equipped with closed bodies equipped with hydraulically operated devices for compacting collected garbage. Those vehicles that are seven thousand (7,000 lbs.) pounds gross vehicular weight or more shall meet all federal and state laws and regulations brush trucks and vehicles designed to haul roll-off collection containers, are also regulated by the state tarp law. All vehicles shall be kept in a clean and sanitary condition and all vehicles shall be cleaned inside and outside at least once each week. The hauler shall additionally cause the vehicle exterior to be clean, vector free, and relatively odor free at the beginning of each working day and provide for intermittent wash downs of vehicle and equipment exteriors and wash outs of container interiors as necessary to generally maintain the above conditions. Failure to comply with this section may result in revocation of a vehicle permit granted herein.

- d. It shall be unlawful for a person to do or perform any act prohibited by this section and it shall be unlawful for a person to fail to do or perform any act required hereby. Each day's violation hereof shall constitute a separate offense. Any person or permittee who is found guilty in the municipal court of the City of violating this section and/or waste hauler permit provisions shall be fined not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000) for each offense. If the finder of fact (the court or jury) imposes fine more than five hundred dollars (\$500), the finder of fact must also find that the violation was committed knowingly, intentionally, or recklessly. Each day on which a violation shall occur or continue shall be deemed a separate and distinct actionable offense. In addition to the penalties provided for herein, the City may seek recovery in a court of competent jurisdiction for any actual damages it might suffer. The City may also seek reasonable attorney fees, court costs, and other expenses of litigation along with all other relief, both in law and in equity, to which it might be entitled. Additional recoveries and relief in law and/or equity under existing federal or state law are not precluded by specific recoveries obtained by the City under this section.
 1. In prosecuting permit violations, the Solid Waste and Recycling Division will refer cases for civil and criminal prosecution and will assist the office of the city attorney in preparing and prosecuting petitions in courts of competent jurisdiction. The office of the City attorney is authorized to pursue civil relief, which may include, but is not limited to, an injunctive order, to remove vehicles belonging to offenders from streets and City property, and to enjoin persons from operating vehicles in violation of this section's permitting provisions. In such case, a petition for injunctive relief need not be preceded by a criminal conviction. The City may be entitled to its attorney's fees and costs and may plead entitlement to delinquent permit fees, and interest on the debt and judgment as may be allowed by law. The City may plead and prove facts to uphold issuance of a court order, the violation of which shall place the offender at risk of contempt of court and jail.

In addition to criminal prosecution, this section is cumulative, and not exclusive of any other remedies at law and in equity to which the City may be entitled.

2. A hauler's use of City property, streets, alleys, roads, or other rights-of-way, without permit, shall create a presumption of debt. The City may elect to pursue debt enforcement against a hauler who uses such City property without proper permit(s). If the City elects this remedy, the City may plead the value of the service rendered to the delinquent hauler. In such case, the City may enforce a final judgment by all means at its disposal, including but not limited to recording and fixing liens, acquiring execution, foreclosure, and seizure orders from the court, and orders from the court directing sale of hauler's property to satisfy the judgment.

- e. Any person who knowingly makes any false statements, representations, or certifications in any permit application or affidavit filed with the City or required to be maintained pursuant to this article shall, upon conviction, be punished by a fine of not more than two thousand dollars (\$2,000).

Sec. 110-13. Hardship Residents; Carry out service.

City residents who for health reasons establish to the satisfaction of the Solid Waste Manager or designee, that they are unable to physically place their container curbside for collection, and who live alone or have no one residing with them physically able to place the container curbside, are eligible for carry out service. A statement from a medical physician verifying the need for carry out service shall be required before carry-out service is established. The container for carry out service shall be placed near the front of the house, at a point visible from the street. Containers for carry out collection shall not be placed inside fenced areas or a garage. Carry out service constitutes retrieving cart from near or at the front of the residence, rolling the cart to the street, collecting the material, and returning the cart to where it was obtained from originally.

Sec. 110-14. Duty of property owners to trim overhanging trees, etc., and remove debris.

It shall be the duty of the occupant, owner or agent of every premises in the City to keep all trees and shrubs on his premises well-trimmed so that they will not impede the collection of residential or commercial containers.

Sec. 110-15. Violations by corporation.

Whenever a corporation which cannot be arrested violates this chapter, the officer or servant authorizing or responsible for such violation shall be personally liable for such penalty, or the corporation may be sued in the justice court by the City for the maximum penalty.

Sec. 110-16. Penalty for violation of chapter.

Any person who shall violate the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined any sum not less than \$25 and not exceeding \$1,000 for the first offense; upon conviction for a second or subsequent offense, the fine shall be any sum not less than \$150 and not exceeding \$2,000; and each day's violation shall constitute a separate and distinct offense.

Sec. 110-17. Prohibited materials.

The following categories of solid waste are defined as non-collection items and shall not be placed at curbside or in a container at any residence, business or premises for collection by the Solid Waste and Recycling Division.

- (a) Rock;
- (b) Dirt;
- (c) Dead animals or dead animal waste;
- (d) Hot coals, ashes, or embers
- (e) Tires, tire and wheel combinations;
- (f) Hazardous waste material;
- (g) ~~Lead acid~~All batteries;
- (h) Vehicle bodies, engines, boats, camper shells;
- (i) Other waste classified as special waste by the Texas Commission on Environmental Quality;
- (j) Construction waste and demolition site material including, but not limited to, bricks, building blocks, concrete, sand, gravel, and roofing; and further including, but not limited to, mobile homes, travel trailers or

other items of like size, and waste from undeveloped or vacant property, including brush shall not be collected by the City. These materials shall be the responsibility of the owner and/or contractor and must be removed at the expense of the owner and/or contractor.

Sec. 110-18. Collection on private streets.

If in the opinion of the Solid Waste Manager or designee, gated or private neighborhood streets are arranged so that collection may occur without creating a safety hazard, the City may choose to require proper indemnification from the community association or individual property owner(s) prior to providing collection. The community association or individual property owner(s) shall furnish combination or gate code entry into said community for garbage, recycling, and green waste collection. The community association or individual property owner(s) must maintain, at their expense, suitable access drives or roads to the satisfaction of the Solid Waste Manager or designee. Any damage to said access drives or roads attributed to City collection vehicles must also be repaired by the community association or individual property owner(s) at their expense.

Collection locations shall be subject to the approval of the Solid Waste Manager or designee. In the event the City does not collect garbage, recycling, and green waste within a private location, all units within the community may be exempted from payment of garbage and recycling fees upon furnishing of evidence ensuring acceptable removal of all garbage, recycling, and green waste by private means. To receive such exemption, written application must be submitted to and approved by Solid Waste Manager or designee.

Single-family residences or premises not abutting public roadways, and to which access is possible only across private property, and premises abutting public roadways but on which the dwelling is so remote from such roadway as to make City collection of garbage, recycling, and green waste impractical, may be exempted from such collection service and charges.

Sec. 110-19. Refusal of service.

If any of the regulations and provisions contained herein is not adhered to, the City retains the right to refuse service to that container and/or customer.

Sec. 110-20--110-38. Reserved.

ARTICLE II. CONTAINERS*

DIVISION 1. RESIDENTIAL USERS

Sec. 110-39. Automated Residential Garbage Collection.

- (a) Customers shall be provided a ninety-six (96) or ~~forty-eight~~sixty-five (4865) gallon cart by the City. An additional cart may be requested by customer if a customer's volume exceeds issued cart. Requests for an additional cart will be evaluated for approval by the Solid Waste Manager or designee and will be collected at an additional fee as defined in ~~Section 110-8 Service charges; billings~~ Appendix X: Solid Waste Fee Schedule.
- (b) Collection materials shall be placed no earlier than 8:00 p.m. the day prior to collection day, and no later than ~~6:30~~6:00 a.m. on the day of scheduled collection. At all other times garbage, recyclables, green waste, bags, bundles, and carts shall be kept at the side or rear of structure no closer to the street than the front of said structure.
- (c) Customer's carts which were not collected because they were not placed at curb or collection point as required by subsection (b) above are considered a "missed service" (resident caused). As determined by the Solid Waste

Manager or designee customers with "missed service"(resident caused) can receive collection service for an additional fee as defined in ~~Section 110-8 Service charges; billings~~ Appendix X: Solid Waste Fee Schedule. Missed service (City caused), or undetermined cause, will be collected at no additional cost to customers.

- (d) Customers shall ensure cart placed for service is not blocked by a motor vehicle or any other obstruction within five (5) feet of a customer's cart placed for collection. Any vehicle or any other fixed obstruction including but not limited to, power lines or low hanging tree limbs will be cause for non-collection, if the customer calls for service a return service fee as outlined in ~~Sec. 110-8 Service charges; billings~~ Appendix X: Solid Waste Fee Schedule shall apply.
- (e) The cart for automated pickup shall be the property of the City. Abuse and damage to cart by customer placing materials prohibited by subsection (f) below may result in an assessment equal to the cost of a cart and/or time involved to repair or replace such cart. At the discretion of the Solid Waste Manager or designee garbage service may be discontinued until fees for the replacement or repair to cart are reimbursed to the City.
- (f) Only residential refuse is to be placed in carts. Yard waste, brush and limbs, construction debris, tires, dead animals, hazardous substances, hot ashes/coins and stable matter such as dirt, brick and rock will not be accepted.
- (g) All solid waste shall be bagged prior to placement in cart to help eliminate windblown litter. Any unbagged items will be cause for non-collection, if the customer calls for service, a return service fee shall apply as outlined in Appendix X: Solid Waste Fee Schedule.
- (h) Pointed or sharp objects, including, but not limited to, broken glass, jagged metal, razors, needles and wire, shall be sufficiently wrapped in paper or boxed in other suitable carts and securely taped or tied before bagging or bundling to prevent injury when handled.
- (i) Any garbage or waste not placed in the cart provided will not be collected by City Solid Waste and Recycling Division and shall remain the responsibility of the customer/generator for disposal.
- (j) The City may, at the discretion of the Solid Waste Manager or designee, utilize a manual or semi-automated solid waste collection system for residential collection in areas where automated collection vehicles cannot safely or efficiently operate.
- (k) All household medical and infectious solid waste including lancets, syringes and hypodermic needles must be properly contained before disposing of in the solid waste cart. Household and infectious waste must be placed in plastic bags and securely tied before placing in the solid waste cart. Lancets, syringes and hypodermic needles must be placed in a rigid, leak-proof and puncture resistant container with a secured and taped lid and must be clearly labeled identifying the contents before placing in the solid waste cart. Depositing or disposing of improperly contained household medical and infectious waste or lancets, syringes and hypodermic needles in any solid waste cart or in any recycling cart whatsoever is prohibited.
- (l) Any violation of the rules and regulations as set out herein shall be punishable as such for health, safety and public welfare violations, pursuant to Sec. 110-16 of this Code. Additionally, any customer not complying with the provisions of this chapter shall be subject to having their garbage collection service suspended until such time as they comply with the violated ordinance provisions.

Sec. 110-40. Automated Residential Recycling Collection.

- (a) Customers shall be provided a ninety-six (96) or ~~forty-eight~~^{sixty-five} (4865) gallon cart by the City. An additional cart may be requested by customer if customer's volume exceeds issued cart. Requests for an additional cart will be evaluated for approval by Solid Waste Manager or designee and will be assessed a onetime administrative fee as defined in ~~Sec. 110-8 Service charges; billings~~ Appendix X: Solid Waste Fee Schedule.
- (b) Collection materials shall be placed no earlier than 8:00 p.m. the day prior to collection day, and no later than ~~6:30~~^{6:00} a.m. on the day of scheduled collection. At all other times garbage, recyclables, green waste, bags, bundles, and carts shall be kept at the side or rear of structure no closer to the street than the front of said structure.
- (c) Customer's carts which were not collected because they were not placed at curb or collection point as required by subsection (b) above are considered a "missed service" (resident caused). As determined by the Solid Waste Manager or designee customers with "missed service" (resident caused) can receive collection service for an additional fee as defined in ~~Sec. 110-8 Service charges; billings~~ Appendix X: Solid Waste Fee Schedule. Missed service (City caused), or undetermined cause, will be collected at no additional cost to the customer.
- (d) Customers shall ensure cart placed for service is not blocked by a motor vehicle or any other obstruction within five (5) feet of a customer's cart placed for collection. Any vehicle or any other fixed obstruction including but not limited to, power lines or low hanging tree limbs will be cause for non-collection, if the owner of the cart calls for service a return service fee as outlined in ~~Sec. 110-8 Service charges; billings~~ Appendix X: Solid Waste Fee Schedule shall apply.
- (e) The cart for automated pickup shall be the property of the City. Abuse and damage to cart by customer placing materials prohibited by subsection (f) below may result in an assessment equal to the cost of a cart and/or time involved to repair or replace such cart. At the discretion of the Solid Waste Manager or designee recycling service may be discontinued until fees for the replacement or repair to cart are reimbursed to the City.
- (f) Only residential recycling is to be placed in carts. Garbage, refuse, yard waste, brush and limbs, construction debris, tires, dead animals, lancets, syringes, hypodermic needles, hazardous substances, diapers, hot ashes/coins and stable matter such as dirt, brick and rock will not be accepted. Any prohibited items found in the cart will result in a non-collection; all unauthorized items must be removed from the cart by the resident or home owner before servicing. If the customer calls for a return service a fee as outlined in ~~Sec. 110-8 Service charges; billings~~ Appendix X: Solid Waste Fee Schedule shall apply.
- (g) All recyclables shall not be bagged prior to placement in cart except shredded paper it should be put in a paper bag and closed with staples. Bagged items will be cause for non-collection, if the customer calls for service, a return service fee shall apply as outlined in Appendix X: Solid Waste Fee Schedule.
- (h) Any recycling not placed in the cart provided will not be collected by City Solid Waste and Recycling Division and shall remain the responsibility of the customer/generator for disposal.
- (i) The City may, at the discretion of the Solid Waste Manager or designee, utilize a manual or semi-automated solid waste collection system for recycling collection in areas where automated collection vehicles cannot safely or efficiently operate.
- (j) Any violation of the rules and regulations as set out herein shall be punishable as such for health, safety and public welfare violations, pursuant to Sec. 110-16 of this Code. Additionally, any customer not complying with the provisions of this chapter shall be subject to having their recycling collection service suspended until such time as they comply with the violated ordinance provisions.

Sec. 110-41. Green Waste.

- (a) Green Waste such as tree leaves and grass shall be placed at the curb in biodegradable Kraft paper yard waste bags and shall not weigh more than forty pounds (40 lbs.) each. Brush, tree trimmings and limbs shall be totally separated from all other waste, including metals, lumber, soil, rocks, paper, plastic, furniture, and appliances. Any waste regardless of quantity or sizes mixed in with bundles or bags constitutes a violation of this section and shall not be collected.
- (b) Green Waste to be placed for collection shall be cut in lengths not exceeding four feet and tied securely in bundles with rope or twine.
- (c) Every nurseryman, tree surgeon, and every person who cuts or trims trees, shrubs or grass as an independent contractor, shall remove or cause to be removed all materials from premises serviced by said entity and it shall be unlawful for such a person to deposit any bundles, bags, tree, tree or shrub cuttings or trimmings at any location for collection by the City.

Sec. 110-42. Residential bulk trash/large brush placement and collection services.

Bulky trash/large brush items, such as discarded furniture and appliances or tree branches not practical to containerize or collect by hand maybe collected upon requests for a fee. The City will collect normal household discarded bulky furniture ~~items and appliances~~, including sofas, chairs, beds, washers, dryers, water heaters and similar items, but not including root balls, furnaces, air conditioning units, freezers, refrigerators, computers, televisions, electronics, and tires, and any glass items. Tree limbs, tree trunks must be cut in lengths of no more than 10 feet and 18 inches in diameter. Bulky metal appliances, washers, dryers, water heaters, and similar items can be taken to the City Recycle Center. Items for collection shall be placed at curbside no earlier than noon the day preceding the scheduled collection.

Bulk trash/large brush placed out for curbside collection shall be placed on the resident's property, parallel to the street or curb and no more than three feet from the street or curb line. The Solid Waste Manger or designee may designate alternative placement and collection points. Bulk trash/large brush shall not be placed on the sidewalk or in the street, behind a fence or any obstruction or barrier. Brush, tree trimmings and limbs shall be totally separated from all other waste, including metals, lumber, soil, rocks, paper, plastic, furniture, and appliances.

Bulk trash/large brush shall not be placed within five feet of any fixed object, solid waste or recycling cart, under power lines, low hanging tree branches or in any manner which would interfere with or be hazardous to pedestrians, bicyclists, equestrians or motorists.

The City uses mechanical collection equipment. If bulk trash/large brush cannot be placed for collection as set forth in this subsection, the Solid Waste Manager or designee, at his/her discretion, may collect the bulk trash/large brush and may require a waiver which holds the City harmless for any and all damage associated with the collection activity. A waiver must be signed prior to collection.

Bulk trash/large brush collection will be collected at an additional fee as defined in Sec. 110-8 Service charges; billings Appendix X: Solid Waste Fee Schedule. If the bulk trash/large brush items are not out on the scheduled collection date when the Solid Waste Operator arrives to perform the requested service, the minimum collection fee as defined in Sec. 110-8 Service charges; billings shall be assessed.

Sec. 110-43--110-55. Reserved

DIVISION 2. BUSINESS, COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL USERS

Business establishments shall be serviced by the City's Solid Waste and Recycling Division. If service is not available or furnished by the City or it is not in the best interest of the City to provide said service as determined by the Solid Waste Manager or designee, i.e. businesses require containers larger than the City can provide, or containers in which materials would be placed that the City will not accept (i.e. building materials), service may be provided by a commercial hauler permitted to operate in the city. Every business establishment must contract with either the City or an approved commercial hauler, if the City is unable to provide the required level of service, for weekly waste disposal service for their business.

All containers, regardless of whether collection service will be provided by the City or by private hauler, shall be maintained in a safe and sanitary condition and shall be cleaned by the owner/occupant of the container site as often as necessary to prevent the container from becoming malodorous. Litter and debris shall not be allowed to accumulate around the container, and all refuse shall be deposited in such manner as to prevent it from blowing out of the container.

- (a) No special waste, hazardous waste, medical waste, paints, solvents, flammable liquids, green waste, batteries, construction waste material, or hot ashes shall be placed in any container for which the City provides collection service. The director of public works, upon consultation with the Solid Waste Manager or designee, is hereby authorized to promulgate further regulations regarding containers in order to provide standards for location and maintenance not in conflict with this section.

Sec. 110-56. Commercial Containers furnished by City, use of.

- (a) Upon request for garbage collection service, the Solid Waste Manager or designee shall designate the service level requirements for that location. Requirements pertaining to the type and number of solid waste containers or frequency of collection are based on the type of commercial activity at the location, and the size of the development itself. The Solid Waste Manager or designee, may upon notice, require replacement of containers and/or changes in container type or the service levels at any location when he deems the current service level to be inadequate causing a health, sanitation, or litter problem.
- (b) Commercial service shall be based on containers of various sizes. The concept is to place the minimum number of containers to be serviced the minimum times per week. The container location will be determined by the Solid Waste Manager or designee and will be based on the approved site plan, routing accessibility, customer convenience and serviceability for both the customer and the City.
- (c) If a Businesses-business location cannot accommodate a larger container, location which generate a small amount of waste shall be furnished two (2) automated containers 96-gallon in size. Containers will be collected by the City once a week. As requested by the customer and where warranted as determined by the Solid Waste Manager or designee up to two (2) additional containers may be obtained for an additional fee as outlined in Appendix X: Solid Waste Fee Schedule. Container fees are as defined in Sec. 110-8 Service charges; billings. Containers shall be placed on or near the curb line in front of such place of business, in such manner and at such time as shall be prescribed by the City. Immediately after the garbage has been removed by the collector the customer shall remove same from the curb line or alley to a place within or next to the business establishment until the next regularly scheduled time for the collection.
- (d) No person shall place or permit to be placed any manure, offal, soil, dead animals, including fish and entrails and heads thereof, hot coals, ashes, embers, rocks or construction waste materials in containers provided by the City under this section. All garbage that is subject to decomposition shall be well wrapped in paper, plastic bags or other biodegradable material before being deposited in the container.
- (e) All boxes and cartons to be placed for collection under this division must be completely broken down before being deposited in the container.

- (f) It shall be unlawful to make a fire or burn any material in a solid waste container furnished by the City or to paint or mark upon such container or to place any poster, placard or sign upon such container. Fees for damages listed in this subsection are as defined in ~~Sec. 110-8 Service charges; billings~~ Appendix X: Solid Waste Fee Schedule.
- (g) Public, business and commercial institutions using the City's larger container(s) for the removal of garbage and trash shall provide a readily accessible site for placement of container(s) on the establishment's property. If access to the container requires the driver to ~~carry a key and~~ unlock a lock to empty the container, ~~a Key charge will apply as defined in Sec. 110-8 Service charges; billings; the lock is to be a combination lock and code is to be provided to the city for service~~. Locating containers in streets, right-of-way, the traveled portion of alleys, and sight triangles is strictly prohibited. Maintenance of the site, cleanliness of the container, together with the approach shall be the responsibility of the owner. The City shall not be responsible for damage caused by collection vehicles to driveways, parking lots, or other sites.
- (h) Lids of all containers furnished under this article shall be kept closed at all times except when the container is being filled. ~~No intentional damage to lids will be permitted, property owner will be responsible for the replacement of damaged lids that they intentionally damaged such as cutting in half~~. Items that are larger than the container and that would extend out of the container opening shall not be placed in the container. All items placed out for collection shall be located in a designated container unless otherwise approved in this ordinance. Cleaning up materials spilled from the container when emptying shall be the responsibility of the property owner or occupant.
- (i) It shall be unlawful for any person to deposit any garbage, trash, or other material in any container furnished by the City other than the owner or occupant of any premise that is paying for the container service.
- (j) If a container is unserviceable, such as being blocked, overloaded with excess trash, or containing prohibited items, the City truck shall only return to empty the container after the container is clear from other vehicles, the excess garbage has been paid for, prohibited items, and/or excess garbage are removed from in and/or around the container. The container enclosure shall not be used for the storage of any items, including but not limited to grease bins, that may impede the collection process. A call-in collection service fee shall apply as defined in ~~Sec. 110-8 Service charges; billings~~ Appendix X: Solid Waste Fee Schedule.
- (k) For additional fees as defined in ~~Sec. 110-8 Service charges; billings~~ Appendix X: Solid Waste Fee Schedule customers may request special collection services for:
 - (1) The collection of segregated brush.
 - (2) The collection of bulky waste, such as large bulky furniture items ~~and appliances~~.
 - ~~(3) The cleanup of excess garbage and rubbish on site.~~
 - ~~(4)~~(3) The removal of large bulky items placed in containers.

Sec. 110-57. - Prohibited items for commercial containers.

- (a) It shall be unlawful to place any item in any container furnished by the City that because of weight, size, or other physical property, could cause damage to the collection vehicle. These items include, but are not limited to, any one item over three feet in any dimension that would cause it to extend above the rim of the container, any one item weighing in excess of 50 pounds, any of the materials found in Sec. 110-17 Prohibited materials.

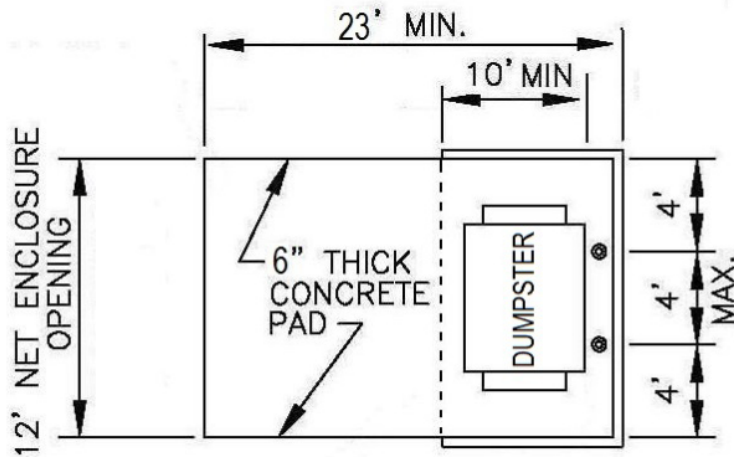
- (b) If tires are detected, they will be returned to the customer responsible for the use of the container.
- (c) Persons, businesses, and other entities placing such items identified in subsections (a), (b), and Sec. 110-17 Prohibited materials in any container furnished by the City will be required to remove these items before collection can take place.

Sec. 110-58. Container pads and enclosures for commercial containers.

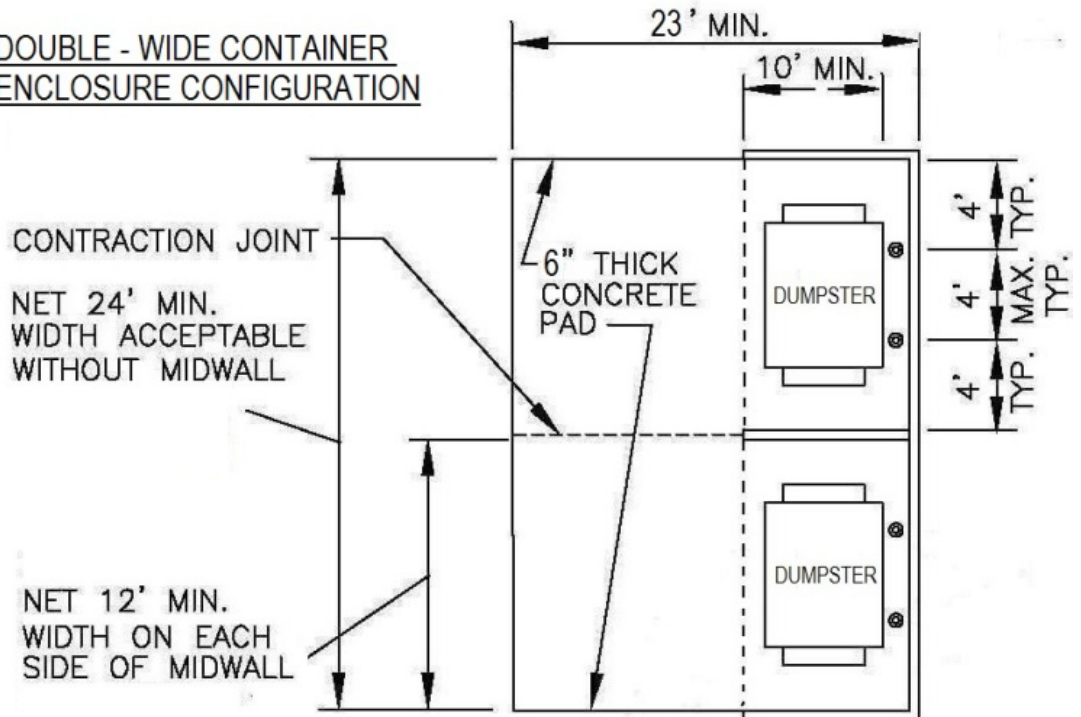
All new container, new account holder, and service requests to change container size must first comply with the following standards for container pads and screening and must be maintained to these standards prior to collection by the City:

- (a) No dumpster or screening shall be permanently placed or constructed upon any site without first obtaining a permit from the Building DepartmentDivision. In order to obtain such permit, an application accompanied by a plat of the property on which the dumpster and screening is to be located, drawn to scale and showing construction details, the location of all structures, utilities, storm drain inlets, public rights-of-way, and the location of the proposed dumpster and all required screening, shall be submitted to the Building DepartmentDivision and Solid Waste and Recycling Division. The plat shall contain a statement that it is a true and accurate depiction of the site shown thereon and be signed by the owner or person who has charge, care, or control of the premises.
- (b) Pavement Standards, all solid waste service locations on site shall be constructed with the following minimum standard:
 - (1) All container pads and aprons shall be constructed of concrete six inches thick. The reinforcement within the concrete section shall consist of number four bars on 18-inch centers, centered within the pavement thickness.
- (c) Required Screening, all containers are required to be screened from the right-of-way and all adjacent properties by a minimum seven-foot-high screen. A gate is required when opening is in view of the public right-of-way. Gates shall have a minimum width of 12 feet when open, shall swing 180 degrees from the closed position, and shall utilize a positive-locking mechanism while in the open position.
- (d) Enclosures shall not be located closer than thirty feet (30') of any storm drain or in drainage flow areas.
- (e) It is the City's preference that screening structures be located outside of any public easement. If maintenance of City utilities requires the removal of a screening structure, it must be replaced at the property owner's expense.
- (f) Minimum interior clear measurements of enclosures: Bollards and other such obstructions shall not be set within the minimum dimensions for enclosures.
 - (1) Interior clearance (inside the screen) dimensions for a:
 - a. Single (3, 4, 6, or 8-yard) dumpster enclosure shall be 10 feet deep x 12 feet wide. The minimum width of the gate or doors shall be no less than the enclosure opening, and they shall open 180°.

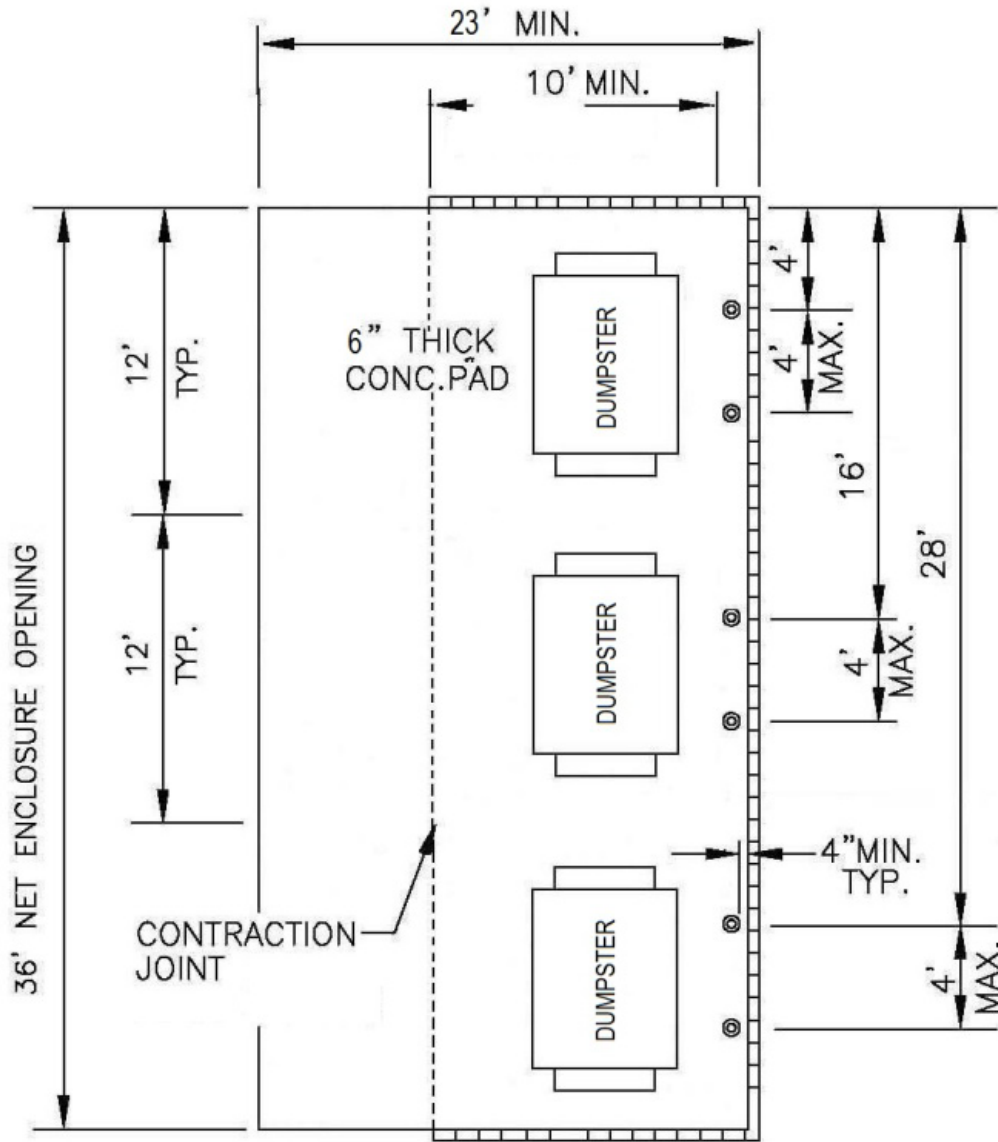
SINGLE - WIDE CONTAINER
ENCLOSURE CONFIGURATION



DOUBLE - WIDE CONTAINER
ENCLOSURE CONFIGURATION



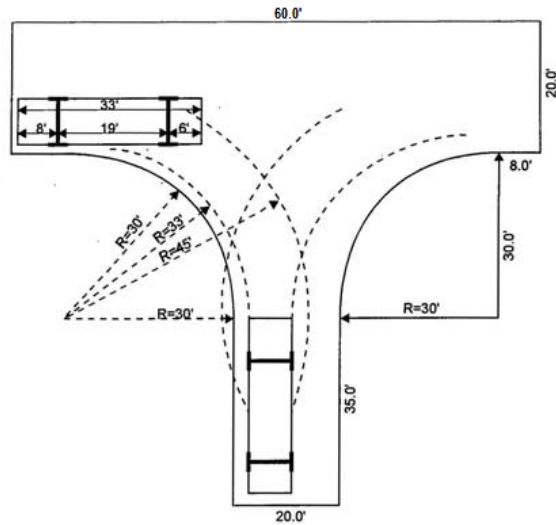
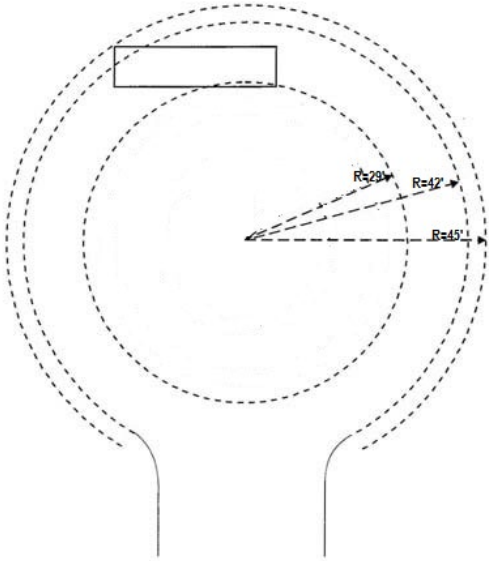
- b. Double (two 3, 4, 6, or 8-yard) dumpster enclosure shall be no less than 10 feet deep x 24 feet wide. The minimum width of the gate or doors shall be no less than the enclosure opening, and they shall open 180°.
- c. Triple (three 3, 4, 6, or 8-yard) dumpster enclosure shall be 10 feet deep x 36 feet wide. The minimum width of the gate or doors shall be no less than the enclosure opening, and they shall open 180°.



TRIPLE - WIDE CONTAINER ENCLOSURE CONFIGURATION

d. A roll-off compactor enclosure shall be a minimum of 29 feet deep x 16 feet wide. The minimum width of the gate or doors shall be no less than the enclosure opening.

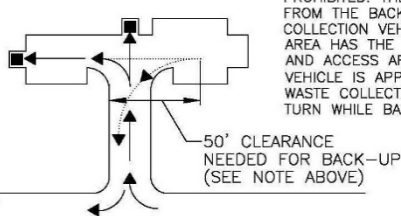
(g) Pad shall be level with roadway or slope to roadway for easy access by collection vehicles. All access areas shall be a minimum unobstructed width of 20 feet, 65 feet in length and 16 feet in height. Outside turning radii in these areas shall be a minimum of 45 feet. At no time shall a collection vehicle be required to back while turning or more than 50 feet while on the property or be required to back out into or in from a public right-of-way. In such cases, a tee or circle turnaround that meets the minimum standards, as shown below, will be required.



In all cases, approach design should facilitate a looping or circle ingress/egress path that avoids necessity of collection vehicle having to conduct backing maneuvers as much as possible. Screens may be constructed of stone, masonry block; wood or chain link fencing with slats and shall be constructed so as to screen viewing by persons standing at ground level on the site, or an immediately adjoining property.

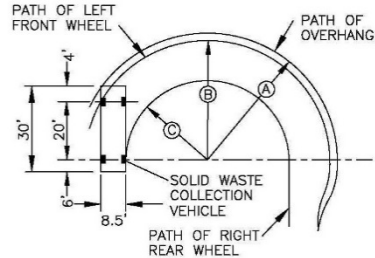
PLEASE NOTE:
SOLID WASTE VEHICLES WEIGH APPROX. 33 TONS WHEN FULL. DRIVEWAYS MUST BE BUILT TO SUPPORT THIS WEIGHT WITHOUT DAMAGE TO DRIVE.

HAMMER HEAD DRIVE



SAFETY NOTE:

BACKING UP MORE THAN 50' AFTER SERVICE TO A SOLID WASTE BIN IS PROHIBITED. THE 50' IS MEASURED FROM THE BACK OF THE SOLID WASTE COLLECTION VEHICLE. MAKE SURE THE AREA HAS THE PROPER TURNING RADIUS AND ACCESS AREA TO LEAVE SITE. THE VEHICLE IS APPROX. 36' LONG. SOLID WASTE COLLECTION VEHICLES WILL NOT TURN WHILE BACKING.

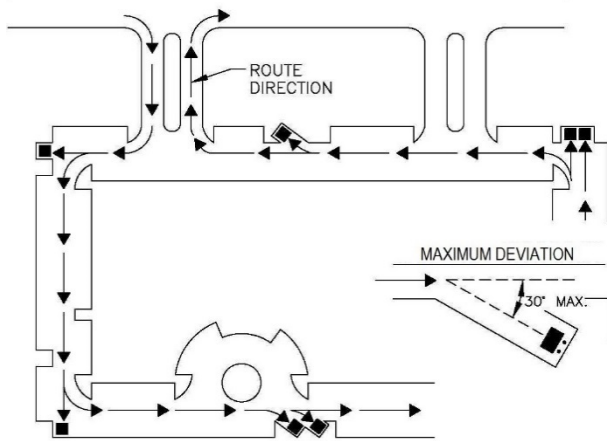


- (A) 45' MIN. TURNING RADIUS
- (B) 42' TURNING RADIUS
- (C) 29' TURNING RADIUS

CLEARANCE REQUIREMENTS

NOTES

1. ALL CURBS ARE TO BE ALIGNED ON THE OUTSIDE OF ENCLOSURE WALLS. THE CURBS SHALL NOT INTERFERE WITH THE ROUTE OF THE SOLID WASTE COLLECTION VEHICLE.
2. IN GENERAL TERMS, ALL SOLID WASTE COLLECTION ROUTES SHALL MEET ENGINEERING DESIGN CRITERIA (STREET WIDTHS, TURNING RADII) IN A MANNER THAT ALLOWS SOLID WASTE COLLECTION VEHICLES ACCESS TO DUMPSTER ENCLOSURES. SITES SHALL BE DESIGNED SO COLLECTION VEHICLES CAN SAFELY ACCESS AND LIFT A DUMPSTER WITHOUT OBSTRUCTIONS (GROUND LEVEL AND AERIAL OBSTRUCTIONS).
3. FOR THE SAFETY OF OTHERS, SOLID WASTE COLLECTION VEHICLES WILL NOT BACK UP INTO A PUBLIC ROADWAY OR MORE THAN 50 FEET AFTER SERVICING A DUMPSTER AND WILL NOT MAKE ANY TURNS WHILE BACKING.
4. NO AWNINGS OR BUILDING PROJECTIONS ALLOWED IN SOLID WASTE COLLECTION VEHICLE ROUTES. MIN. OVERHEAD CLEARANCE OF 14' IS REQUIRED IN DRIVE AND 25' OVER DUMPSTER ENCLOSURE AREA FROM STEEL BOLLARD POSTS BACK 65'.
5. ROUTES SHALL BE CLEAR OF ALL OBSTRUCTIONS (CURBS, WALLS, OVERHEAD WIRES, AND AWNINGS) TO PREVENT DAMAGE FROM THE COLLECTION VEHICLE.
6. TAKE NOTE OF THE SOLID WASTE COLLECTION ROUTE. THE COLLECTION VEHICLE SHALL TRAVEL THROUGH A SITE ONCE WITHOUT BACKTRACKING.
7. DUMPSTER ENCLOSURES ARE TO BE ANGLED NO MORE THAN 30 DEGREES FROM THE CENTER LINE OF THE SOLID WASTE COLLECTION VEHICLE ROUTE.
8. DUMPSTER ENCLOSURES SHALL BE LOCATED AWAY FROM ENTRANCES AND EXITS SO SOLID WASTE COLLECTION VEHICLE DOES NOT CREATE A SAFETY HAZARD BY BLOCKING IN-COMING OR OUT-GOING TRAFFIC.
9. STANDARDS FOR SINGLE, DOUBLE, AND TRIPLE DUMPSTER ENCLOSURES ARE ADDRESSED ON PAGES 2 & 3



A TYPICAL SOLID WASTE COLLECTION ROUTE

- (h) Dimensions for maneuvering, the maximum deviation from the access path to the enclosure shall be 30°, a clear maneuvering area of up to 65 feet in front of the container will be required. No parking will be allowed in the maneuvering area.
- (i) Whenever, in the opinion of the Solid Waste Manager or designee, a dumpster and/or the screen cannot be located upon a particular site so as to conform with these requirements, or there are special circumstances which make the requirements wholly impracticable, the Solid Waste Manager or designee may designate a location for the dumpster which in his/her discretion is the most accessible and aesthetically appropriate or make exemptions from the requirements as necessary.

Sec. 110-59.1 Roll-off service open top.

- (a) Roll-off containers are large open top containers used primarily on construction sites. Open top roll-off containers are available for rental in sizes of 20, 30, and 40 cubic yards.
- (b) To obtain the service, an agreement shall be signed with the Solid Waste and Recycling Division. Any unauthorized materials found in the container will be removed before service or if they are found after dumping they will be returned to the customer. Examples of unauthorized items may be, but are not limited to, dead animals, brush, yard waste, tires, ~~or~~ white goods still containing CFC's, electronics, propane tanks, hazardous wastes, concrete, dirt, rocks, bricks, roof gravel, etc. Any unauthorized waste will be removed by customer

prior to service, unauthorized waste detected while dumping shall be returned to the customer for proper disposal.

~~(c)~~ Upon request, all rental containers are emptied and/or removed on the next business day basis unless otherwise noted. When a request for an empty or removal of a rental container is made, it is the customer's responsibility to ensure that the container is accessible with unobstructed access in front of and 4 feet on either side. A fee will be charged for returns when containers are blocked and will be rescheduled for the next available day.

~~(b)~~(d) The Solid Waste and Recycling Division will place the container according to the provided placement instructions; however, once the container is placed do not move it. Moving the container without proper equipment may cause damage or make it inaccessible for the collection vehicle to safely remove it. You can arrange for alternate container placement when you call for an empty as long as the container remains at the same address/location.

~~(e)~~(e) The fees for roll-off service are as defined in ~~Sec. 110-8 Service charges; billings~~ Appendix X: Solid Waste Fee Schedule, but include the following:

(1) A monthly rental fee for use of the container.

~~(1)~~(2) A delivery fee.

~~(2)~~(3) A service fee to pick-up, transport, and return container to the site or return to stock.

~~(3)~~(4) Weight of container contents.

Sec. 110-59.2. Compactor services.

(a) The City provides collection services for compactors owned by the customer. The City does not own, rent, or repair compactors.

(b) Privately owned compactors must be compatible with the City's hauling equipment.

(c) The fees for servicing compactors are as defined in ~~Sec. 110-8 Service charges; billings~~ Appendix X: Solid Waste Fee Schedule.

Sec. 110-60. Charges.

All businesses, commercial, industrial and institutional users, hotels, motels, resorts, churches, governmental entities, non-profits and schools afforded garbage and refuse service by container system provided for in section 110-56 shall pay a charge as defined in ~~Section 110-8(b)~~ Appendix X: Solid Waste Fee Schedule

(a) *Assessed monthly.* The charges fixed herein for the collection, removal and disposal of all solid waste shall be entered on the customer's monthly utility bill. All customers must first establish a utility billing account number prior to the Solid Waste and Recycling Division making service arrangements available.

(b) *Failure to pay.* Any customer who fails or refuses to pay the monthly charge when due shall no longer receive garbage collection service from the City until all related charges are paid in full.

(c) *Unprepared solid waste.* The Solid Waste and Recycling Division shall cause the cleanup of improperly or unprepared waste, litter or debris that constitutes a hazard or nuisance to the community. The Manual collection fee shall be charged as defined in ~~Sec. 110-8 Service charges; billings~~ Appendix X: Solid Waste Fee Schedule.

Sec. 110-61. Containers not furnished by City, requirements for use.

- (a) Unless otherwise approved by the Solid Waste Manager or designee the private collection of municipal solid waste within the limits of the City is prohibited. Businesses requiring containers larger than the City can provide or containers in which materials would be placed that the City will not accept (i.e., building materials) shall request permission in writing directed to the Solid Waste Manager or designee to arrange for optional services as needed.
- (b) Businesses, commercial, industrial and institutional users, resorts, apartments and contractors that utilize large containers not available from the City and who have placed them on their property may do so at their own expense, after City approval of the service provider.
- (c) Only permitted private haulers meeting the requirements of section 110-12 will be authorized to haul containers as described in this section within the City.
- (d) Locating containers in streets, right-of-way, the traveled portion of alleys, and sight triangles is strictly prohibited. Maintenance of the site, together with the approach shall be the responsibility of the owner. The City shall not be responsible for damage caused by collection vehicles to driveways, parking lots, or other sites.

Sec. 110-62. Recyclables to be collected.

The City solid waste and recycling division shall continue to monitor commercial recycling as established under section 110-12, Licensing of private haulers of the solid waste ordinance.

Sec. 110-63. Conflicts of ordinances; liability.

- (a) In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of the City, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- (b) In cases where two or more sections of this chapter disagree, the most stringent or restrictive shall prevail.

Sec. 110-64--110-80. Reserved

Appendix X: Solid Waste Fee Schedule

<u>Residential Services:</u>	
<u>Refuse</u>	<u>13.40</u>
<u>Recycling</u>	<u>4.26</u>
<u>Brush/Bulk pick up; minimum one-half hour</u>	<u>40.00</u>
<u>Excess garbage tags, per five tags</u>	<u>20.00</u>
<u>Additional residential cart fee</u>	<u>6.50</u>
<u>Administrative fee for additional recycling cart</u>	<u>-</u>
<u>Administrative fee for additional residential cart</u>	<u>10.00</u>
<u>Replacement cart (second request and after)</u>	<u>Actual cost of cart</u>
<u>Container rental (each 3-8 cubic yard container)</u>	<u>75.00</u>
<u>Container collection service, per each collection:</u>	
<u>3 cubic yards</u>	<u>30.00</u>
<u>4 cubic yards</u>	<u>40.00</u>
<u>6 cubic yards</u>	<u>60.00</u>
<u>8 cubic yards</u>	<u>80.00</u>
<u>Missed service (resident caused) (as determined by solid waste manager or designee), each occurrence</u>	<u>25.00</u>
<u>Missed service (city caused), or undetermined cause</u>	<u>no charge</u>
<u>Commercial/Business services:</u>	
<u>Commercial standard carts collected one time per week</u>	
<u>Minimum charge (two 95-gallon carts)</u>	<u>30.00</u>
<u>Additional Commercial 96-gallon cart (limit two), each</u>	<u>15.00</u>
<u>Administrative fee for additional carts, per request for service change</u>	<u>10.00</u>
<u>Brush/Bulk pick up; minimum one-half hour</u>	<u>40.00</u>
<u>Necessary dumpster cleaning, repair, and painting after a fire in container</u>	<u>250.00</u>
<u>Dumpster cleaning required by the solid waste manager or customer requested, due to odor, unsanitary, or unsafe condition</u>	<u>75.00</u>
<u>Mechanical assistance to remove unauthorized and/or oversized items from container</u>	<u>65.00</u>
<u>Manual collection of excess garbage and rubbish on site; per hour (based on total amount of time including, but not limited to, travel, loading, disposal, and weight of contents)</u>	<u>140.00</u>
<u>Installation of locking mechanism</u>	<u>50.00</u>
<u>Waiting time for blocked container (requested by customer); per hour</u>	<u>134.40</u>
<u>Overloaded/excess garbage fee:</u>	
<u>3 cubic yards</u>	<u>15.00</u>
<u>4 cubic yards</u>	<u>20.00</u>

<u>6 cubic yards</u>	<u>30.00</u>
<u>8 cubic yards</u>	<u>40.00</u>
<u>10 cubic yards</u>	<u>50.00</u>
<u>Three cubic yard service</u>	
<u>One time per week</u>	<u>75.00</u>
<u>Two times per week</u>	<u>150.00</u>
<u>Three times per week</u>	<u>225.00</u>
<u>Four times per week</u>	<u>300.00</u>
<u>Five times per week</u>	<u>375.00</u>
<u>Six times per week</u>	<u>450.00</u>
<u>Four cubic yard service</u>	
<u>One time per week</u>	<u>90.00</u>
<u>Two times per week</u>	<u>180.00</u>
<u>Three times per week</u>	<u>270.00</u>
<u>Four times per week</u>	<u>360.00</u>
<u>Five times per week</u>	<u>450.00</u>
<u>Six times per week</u>	<u>540.00</u>
<u>Six cubic yard service</u>	
<u>One time per week</u>	<u>105.00</u>
<u>Two times per week</u>	<u>195.00</u>
<u>Three times per week</u>	<u>285.00</u>
<u>Four times per week</u>	<u>375.00</u>
<u>Five times per week</u>	<u>465.00</u>
<u>Six times per week</u>	<u>555.00</u>
<u>Eight cubic yard service</u>	
<u>One time per week</u>	<u>120.00</u>
<u>Two times per week</u>	<u>210.00</u>
<u>Three times per week</u>	<u>300.00</u>
<u>Four times per week</u>	<u>390.00</u>
<u>Five times per week</u>	<u>480.00</u>
<u>Six times per week</u>	<u>570.00</u>
<u>Ten cubic yard service</u>	
<u>One time per week</u>	<u>135.00</u>
<u>Two times per week</u>	<u>225.00</u>
<u>Three times per week</u>	<u>315.00</u>
<u>Four times per week</u>	<u>405.00</u>
<u>Five times per week</u>	<u>495.00</u>
<u>Six times per week</u>	<u>585.00</u>
<u>Three cubic yard compactor service, customer-owned</u>	

<u>One time per week</u>	<u>115.00</u>
<u>Two times per week</u>	<u>230.00</u>
<u>Three times per week</u>	<u>345.00</u>
<u>Four times per week</u>	<u>460.00</u>
<u>Five times per week</u>	<u>575.00</u>
<u>Six times per week</u>	<u>690.00</u>
<u>Four cubic yard compactor service, customer-owned</u>	
<u>One time per week</u>	<u>145.00</u>
<u>Two times per week</u>	<u>260.00</u>
<u>Three times per week</u>	<u>375.00</u>
<u>Four times per week</u>	<u>490.00</u>
<u>Five times per week</u>	<u>605.00</u>
<u>Six times per week</u>	<u>720.00</u>
<u>Six cubic yard compactor service, customer-owned</u>	
<u>One time per week</u>	<u>175.00</u>
<u>Two times per week</u>	<u>290.00</u>
<u>Three times per week</u>	<u>405.00</u>
<u>Four times per week</u>	<u>520.00</u>
<u>Five times per week</u>	<u>635.00</u>
<u>Six times per week</u>	<u>750.00</u>
<u>Eight cubic yard compactor service, customer-owned</u>	
<u>One time per week</u>	<u>205.00</u>
<u>Two times per week</u>	<u>320.00</u>
<u>Three times per week</u>	<u>435.00</u>
<u>Four times per week</u>	<u>550.00</u>
<u>Five times per week</u>	<u>665.00</u>
<u>Six times per week</u>	<u>780.00</u>
<u>20 cubic yard compactor service, customer-owned</u>	
<u>One times per month</u>	<u>725.00</u>
<u>Two times per month</u>	<u>1450.00</u>
<u>Three times per month</u>	<u>2175.00</u>
<u>Four times per month</u>	<u>2900.00</u>
<u>30 cubic yard compactor service, customer-owned</u>	
<u>One times per month</u>	<u>875.00</u>
<u>Two times per month</u>	<u>1750.00</u>
<u>Three times per month</u>	<u>2625.00</u>
<u>Four times per month</u>	<u>3500.00</u>
<u>40 cubic yard compactor service, customer-owned</u>	
<u>One times per month</u>	<u>1025.00</u>

	<u>Two times per month</u>	<u>2050.00</u>
	<u>Three times per month</u>	<u>3075.00</u>
	<u>Four times per month</u>	<u>4100.00</u>
<u>Open top roll-off rates 20, 30, and 40 cubic yards</u>		
	<u>Minimum one-month rental</u>	<u>150.00</u>
	<u>Delivery fee</u>	<u>150.00</u>
	<u>Service fee, plus disposal fee for weight of container contents</u>	<u>200.00</u>
<u>Call-in collection charges</u>		
	<u>3 cubic yards</u>	<u>125.00</u>
	<u>4 cubic yards</u>	<u>155.00</u>
	<u>6 cubic yards</u>	<u>215.00</u>
	<u>8 cubic yards</u>	<u>275.00</u>
	<u>10 cubic yards</u>	<u>350.00</u>
<u>Call-in collection charges (roll-off/front load compacting containers)</u>		
	<u>3 cubic yards</u>	<u>135.00</u>
	<u>4 cubic yards</u>	<u>175.00</u>
	<u>6 cubic yards</u>	<u>245.00</u>
	<u>8 cubic yards</u>	<u>315.00</u>
	<u>20 cubic yards</u>	<u>485.00</u>
	<u>30 cubic yards</u>	<u>625.00</u>
	<u>40 cubic yards</u>	<u>765.00</u>

SECTION 2: REPEALER.

All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only. All provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 3: SEVERABILITY.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4. EFFECTIVE DATE AND PUBLICATION.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this _____ day of _____, 2024.

PASSED AND APPROVED: Second reading this _____ day of _____, 2024.

CITY OF NEW BRAUNFELS, TEXAS

Neal Linnartz, Mayor

ATTEST:

Gayle Wilkinson, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney

8/12/2024

Agenda Item No. B)

PRESENTER:

Keith Lane, Chief of Police
Jennifer Gates, Grants Coordinator

SUBJECT:

Discuss and consider the approval of an amended resolution that supported the submission of an application to the Motor Vehicle Crime Prevention Authority, Fiscal Year 2024 SB 224 Catalytic Converter Grant Program on behalf of the New Braunfels Police Department for personnel and equipment costs.

DEPARTMENT: Finance**COUNCIL DISTRICTS IMPACTED:** Citywide**BACKGROUND INFORMATION:**

The City's adopted 2024-2029 Strategic Plan includes an objective addressing continuation of diversifying revenue streams to support long-term fiscal sustainability of the Organization.

As such, on March 25, 2024, the City Council ratified an application, including an accompanying resolution, submitted by staff to the Motor Vehicle Crime Prevention Authority (MVCPA), Fiscal Year 2024 SB 224 Catalytic Converter Grant Program to request funding on behalf of the New Braunfels Police Department (NBPD) for costs associated with the detection and prevention of catalytic converter theft in Texas.

On June 27, 2024, the City received notification of a grant award that will support the following:

- Personnel costs of two officers to be assigned to NBPD's Street Crimes Unit (SCU), including the officers' base salaries, fringe benefits, uniforms and issued equipment, and vehicles; and
- Personnel and equipment costs required to host catalytic converter engraving events for the public; and
- Purchase and installation of a variety of license plate readers; and
- Miscellaneous costs such as program supplies and travel expenses for City staff to attend MVCPA meetings and events.

After reviewing documentation previously submitted by the City, the granting agency has requested a minor, administrative amendment to the March 25 resolution to better align to the purpose of the grant funds.

Therefore, City staff is requesting City Council approval of the requested revision within the second "whereas" portion of the document as follows.

March 25, 2024, Resolution:

“WHEREAS, this grant program will assist this jurisdiction to combat motor vehicle burglary and theft; and”

August 12, 2024, Amended Resolution:

“WHEREAS, this grant program will assist this jurisdiction to combat catalytic converter theft; and”

As applicable, any additional grant-supported expenditures and staffing requirements such as an increase to NBPD’s Strength of Force will be brought to Council for future consideration and approval. The granting agency provides funds for 100% of the total amount; there is no City-match requirement.

ISSUE:

The City’s adopted 2024-2029 Strategic Plan includes an objective pertaining to fiscal sustainability, e.g. completion of all administrative requirements for the application and acceptance of grants.

STRATEGIC PLAN REFERENCE:

Economic Mobility Enhanced Connectivity Community Identity
 Organizational Excellence Community Well-Being N/A

Considering statutory and market-based factors, continue to diversify revenue streams to support long-term fiscal sustainability of the Organization.

FISCAL IMPACT:

The granting agency will provide reimbursement of all awarded costs; there is no City-match requirement.

RECOMMENDATION:

Staff recommends approval of an amended resolution that supported the submission of an application to the Motor Vehicle Crime Prevention Authority, Fiscal Year 2024 SB 224 Catalytic Converter Grant Program on behalf of the New Braunfels Police Department for personnel and equipment costs.

RESOLUTION 2024-R59

AN AMENDED RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING UNDER THE MOTOR VEHICLE CRIME PREVENTION AUTHORITY, SB 224 CATALYTIC CONVERTER GRANT PROGRAM, AND AUTHORIZING THE CITY MANAGER OR AUTHORIZED DESIGNEE TO ACT ON BEHALF OF THE CITY OF NEW BRAUNFELS IN ALL MATTERS RELATED TO THIS GRANT, INCLUDING EXECUTION OF ALL REQUIRED DOCUMENTATION ASSOCIATED WITH ANY RESULTING AWARD.

WHEREAS, under the provisions of the Texas Transportation Code Chapter 1006 and Texas Administrative Code Title 43; Part 3; Chapter 57, entities are eligible to receive grants from the Motor Vehicle Crime Prevention Authority to provide financial support to law enforcement agencies for economic automobile theft enforcement teams and to combat motor vehicle burglary in the jurisdiction; and

WHEREAS, this grant program will assist this jurisdiction to combat catalytic converter theft; and

WHEREAS, City of New Braunfels has agreed that in the event of loss or misuse of the grant funds, City of New Braunfels assures that the grant funds will be returned in full to the Motor Vehicle Crime Prevention Authority.

NOW THEREFORE, BE IT RESOLVED and ordered that Jennifer Gates, Grants Coordinator, is designated as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application for the Motor Vehicle Crime Prevention Authority Grant Program and all other necessary documents to accept said grant; and

BE IT FURTHER RESOLVED that Jennifer Gates, Grants Coordinator, is designated as the Program Director and Sandy Paulos, Director of Finance, is designated as the Financial Officer for this grant.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS;

THAT, the City of New Braunfels' City Council approves submission of an application to the Motor Vehicle Crime Prevention Authority for Fiscal Year 2024 SB 224 Catalytic Converter Grant Program funding.

ADOPTED AND APPROVED on this the 12th day of August 2024.

City of New Braunfels, Texas

NEAL LINNARTZ, Mayor

Attest:

GAYLE WILKINSON, City Secretary

8/12/2024

Agenda Item No. A)

SUBJECT:

Deliberate and consider the purchase, exchange, lease, contract terms, due diligence, or value of real property, in accordance with Section 551.072 of the Texas Government Code:

1. A-1 SUR-1 AM Esnaurizar, up to 100 acres

8/12/2024

Agenda Item No. B)

Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:

- a. Discuss Legal Options Relating to Status of New Braunfels Utilities Real Estate Negotiations to Secure Easements Regarding the McKenzie Interceptor Upgrade Project:
 - Properties owned by NB Avery Park Homeowners Association, Inc:
 - i. a, 0.296 Acre Permanent Utility Easement, a 0.044 Acre Temporary Construction Easement, and a 0.213 Acre Temporary Construction Easement, (Guadalupe County Parcel No. 125092)
 - ii. a 0.632 Acre Permanent Utility Easement, a 0.312 Acre Temporary Construction Easement, and a 0.022 Acre Temporary Construction Easement (Guadalupe County Parcel Nos. 171818 and 171819)
 - Property owned by Pulte Homes of Texas, L.P and M/I Homes of San Antonio, LLC:
 - i. a 0.563 Acre Temporary Construction Easement (Guadalupe County Parcel No. 55904)
 - Property owned by Saengerhalle Meadows Homeowners Association, Inc.:
 - i. a 1.827 Acre Permanent Utility Easement, and a 1.025 Acre Temporary Construction Easement, (Guadalupe County Parcel No. 56337)
 - Properties owned by Rockspring Saur, LLC:
 - i. a 2.088 Acre Permanent Utility Easement, and a 1.395 Acre Temporary Construction Easement, (Guadalupe County Parcel Nos. 191564 and 108128)
 - Properties owned by GCP III St. Croix Landco, LLC:
 - i. a 1.937 Acre Permanent Utility Easement, and a 1.127 Acre Temporary Construction Easement, (Comal County Parcel Nos. 421640; 422735; and 441204);

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- Property owned by MP New Braunfels, LLC:
 - i. a 1.846 Acre Permanent Utility Easement, and a 0.847 Acre Temporary Construction Easement, (Comal County Parcel No. 71650)

b. A-1 SUR-1 AM Esnaurizar, up to 100 acres

8/12/2024

Agenda Item No. C)

PRESENTER:

Jeff Jewell, Economic and Community Development Director

SUBJECT:

Deliberate issues regarding economic development negotiations in accordance with Section 551.087 of the Texas Local Government Code:

1. Project Gather